K Ireland:—
George II.

ACTS AND STATUTES MADE

In a PARLIAMENT begun at *Dublin*, the Twenty Eight Day of *November*, *Anno Dom.* 1727. in the First Year of the Reign of Our Most Gracious Sovereign Lord KING *GEORGE* II.

BEFORE

His Excellency *John* Lord *Carteret*, Lord Lieutenant General and General Governor of *Ireland*.

And continued under His Excellency *John* Lord *Carteret*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Twenty Third Day of *September*, 1729.

And continued under His Grace *Lionel* Duke of *Dorset* Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations until the Fifth Day of *October*, 1731

And further continued under his Grace *Lionel* Duke of *Dorset*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations until the Fifth Day of *October*, 1733.

And further continued under His Grace *Lionel* Duke of *Dorset*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Seventh Day of *October*, 1735. Being the fifth Session of this present PARLIAMENT.

G.II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Most Excellent Majesty, at the *King's Arms* and *Two Bibles* in *Essex-Street*, M DCC XXXVI.

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BRITISH MUSEUM

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A N

AN

ACT

For Granting and Continuing to

HIS MAJESTY,

AN

ADDITIONAL DUTY

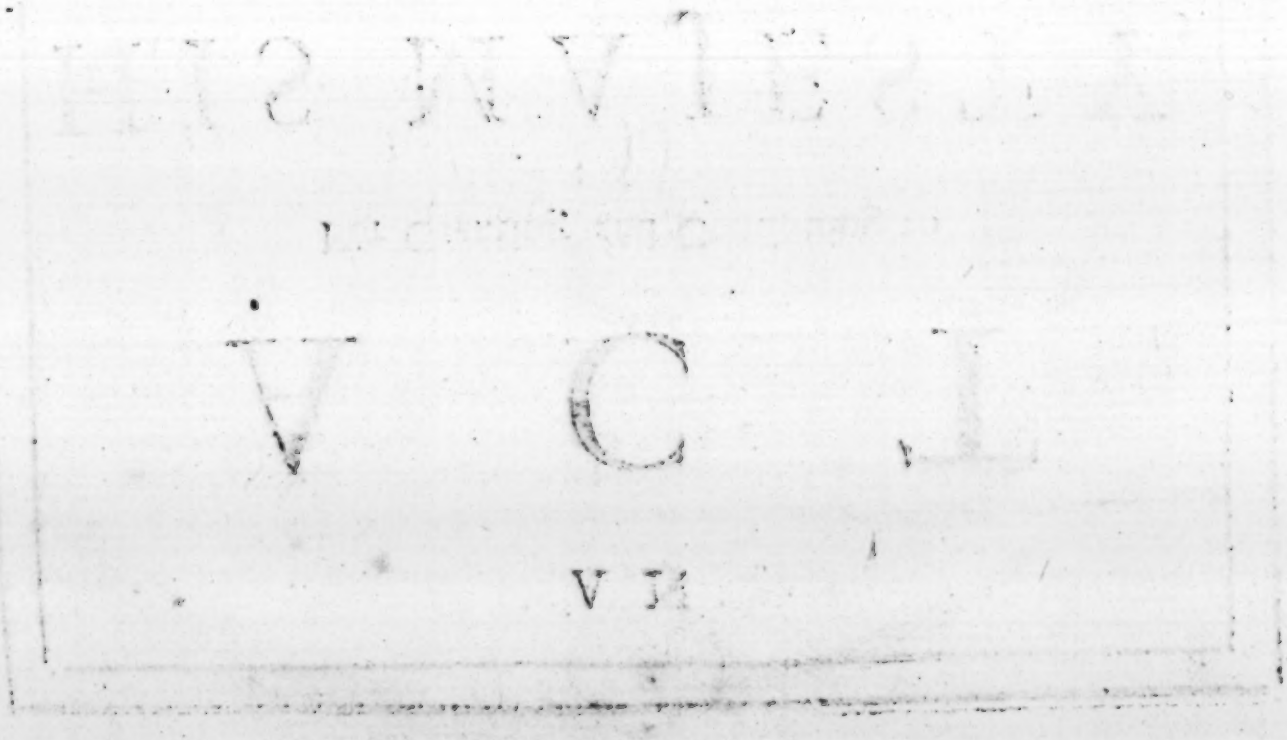
ON

Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes, therein mentioned.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCCXXXV.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AN

ACT

FOR

Granting and Continuing to His Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.

CHAP. I.

WE Your Majesty's most Dutiful and Loyal Subjects, The Commons of Ireland, in Parliament Assembled, having a just Sense of Your Royal Care, for the Prosperity of all Your Subjects, and well knowing that the Security of this Your Realm, and the Continuance of the many Blessings We enjoy under Your Mild and Auspicious Reign, depends on the Support of Your Majesty's Government, Do most humbly Beseech Your Majesty that it may be Enacted;

And be it Enacted by the King's Most Excellent Majesty, by and with the Ad-

vice and Conſent of the Lords Spiritu-al and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the ſeveral and reſpective Duties and Impoſitions on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Mer-chandizes, which, in and by an Act of Parliament, Made and Paſſed in the firſt Year of Your Majeſty's Reign, [Intituled, An Act for Granting to His Majeſty, an Ad-ditional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Mer-chandizes therein mentioned; And alſo, a Tax on Salaries, Profits of Employments, Fees and Penſions; And for ſecuring the Re-payment of Fifty Thouſand Pounds *Sterl.* formerly advanced to His late Majeſty for the Uſe of the Pub-lick, together with the Intereſt thereof] were Granted unto Your Majeſty, or Charge-able in manner therein mentioned, from the Twenty fifth Day of March One thou-ſand ſeven hundred twenty and eight, to the Twenty fifth Day of December One thouſand ſeven hundred twenty and nine, inclusive; And which, by one other Act, made and paſſed in the third Year of Your Majeſty's Reign [Intituled, An Act for Granting and Continuing to His Majeſty an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco, and other Goods and Mer-chandizes therein mentioned] were continued until the Twenty fifth Day of December, in

in the Year of our Lord One thouſand ſeven hundred thirty and one, incluſive; And which were further granted and continued from time to time by ſubſequent Acts of Parliament made in this Kingdom, until the Twenty fifth Day of December, in the Year of our Lord One thouſand ſeven hundred thirty and five, incluſive; Be further Granted, Continued, Raiſed, Collected, Levied and Paid unto Your Majeſty, Your Heirs and Succeſſors, from the ſaid Twenty fifth Day of December, One thouſand ſeven hundred thirty and five, until the Twenty fifth Day of December, One thouſand ſeven hundred thirty and ſeven, incluſive.

And be it further Enacted by the Authority aforeſaid, That all and ſingular the ſaid Duties hereby Granted and Continued, ſhall be Raiſed, Levied, Collected and Paid unto Your Majeſty, Your Heirs and Succeſſors, During the Time aforeſaid, over and above all other Duties Payable for the ſame, by Virtue of an Act Made in this Kingdom in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Exciſe, or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates therein inſerted] or by Virtue of One other Act Made in the ſaid Fourteenth Year of the Reign of the ſaid King Charles the Second, In-

tituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into or out of the Kingdom of *Ireland*, according to a Book of Rates hereunto annexed.

Provided allways, and be it further Enacted by the Authority aforesaid, That if the said Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine and Brandy, or Spirits above Proof, upon which the said Additional Duties are Charged, shall, after Payment thereof, or Security Given for the same, be again Exported by any Merchant or Merchants, that is or are a Subject or Subjects of this Realm, or any other His Majesty's Dominions, within Eighteen Months, or by Merchants Strangers within Twelve Months, after the Importation thereof, and due Proof first Made, by Certificate from the Proper Officer, of the due Entry of such Wines, Strong-Waters, Spirits perfectly Made, and Spirits Made and Distilled of Wine, Brandy, or Spirits, above Proof, and of the payment of the said Additional Duties hereby Granted and Charged thereon, or Security being Given for the same, and that all other Requisites have been Performed, which are by Law Required to

be

be Perfoymed in Cales where the Duties of Excise are to be Repaid, by Virtue of the before-mentioned Act [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] that then the said Additional Duties shall, without any Delay or Reward, be Re-paid or Allowed unto such Merchant or Merchants so exporting the same, within One Month after Demand thereof, or the Security for the said Additional Duties by this Act Charged, shall be Vacated or Discharged, as to so much as shall be so Exported; Any thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the better Levying and Collecting the several Rates and Duties hereby Granted, and also for a further Supply to Your Majesty, all and every the Rules, Directions, Powers and Authorities, Clause or Clauses, Relating to the Brewers Mixing their Beer and Ale, and Distillers Distilling of Strong-Waters, and for Preventing the Mixing of Small Worts with Strong Ale or Beer, after the Gauger hath Taken the Gauge thereof, and for Impowering Gaugers to take an Account of all Wash and Low Wines in Distillers Hands, the better to Ascertain the Quantity of Aqua-

vitæ, Strong-Waters and Spirits by them Diſtilled, and all Penalties and Forfeitures Ariſing thereby and therefrom, Given, Granted or Enacted in and by an Act paſſed in the Fourth Year of the Reign of His Late Majeſty King George the Firſt of Glorious Memory [Intituled, An Act for Continuing to His Majeſty an Additional Duty on all Wines and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Diſtilled of Wine; And alſo a Tax on all Salaries, Profits of Employments, Fees and Penſions, therein mentioned; And for Granting a further Additional Duty on Ale, Beer and Strong-Waters, and Spirits perfectly Made, and upon all Spirits Made and Diſtilled of Wine; And for Securing the Re-payment of Fifty Thouſand Pounds *Sterling*, formerly Advanced to His Majeſty for the Uſe of the Publick, together with the Intereſt thereof] which were to Continue from the Twenty Firſt Day of November, One thouſand ſeven hundred and ſeventeen, until the Twenty firſt Day of November, One thouſand ſeven hundred and nineteen, inclusive; And which were further Granted and Continued from Time to Time, by divers Acts of Parliament Made in this Kingdom, until the Twenty fifth Day of December, One thouſand ſeven hundred and thirty five, inclusive; Shall be, and Continue in full Force from the ſaid Twenty fifth Day of December, One thouſand

land seven hundred thirty and five, until the Twenty fifth Day of December, which shall be in the Year of our Lord, One thousand seven hundred thirty and seven, inclusive.

And be it further Enacted by the Authority aforesaid, That for a further Supply to Your Majesty, the further Additional Duty of Twenty Shillings Sterling, on every Hundred Weight of Molasses, and the further Additional Duty of Twenty Shillings, on every Hundred Weight of Treacle, which in and by the said Act of Parliament, made in the first Year of Your Majesty's Reign were Granted unto Your Majesty from the Twenty Fifth Day of March, which was in the Year of Our Lord One Thousand Seven hundred Twenty and Eight, until the Twenty Fifth Day of December, One thousand seven hundred twenty and nine inclusive, and which were further Granted and Continued unto Your Majesty, from Time to Time by other Acts of Parliament, made in this Kingdom from the said Twenty Fifth Day of December, One thousand seven hundred and twenty nine, until the Twenty fifth Day of December, One thousand seven hundred and thirty five, inclusive; We further Granted, Continued, Collected, Levied and Paid unto Your Majesty, Your Heirs and Successors, from the said Twenty fifth Day of December, One thousand seven hundred and thirty five, until the

Twenty fifth Day of December, One thouſand ſeven hundred thirty and ſeven, inclusive.

And be it further Enacted by the Authority aforeſaid, That the ſaid Additional Rates and Duties on Coffee, Tea, Chocolate and Cocoa-Nuts, and all Money ariſing thereby, ſhall be paid to the Truſtees appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, to be, by Them, Applied to Encourage and Support the ſaid Manufactures, and the Trade thereof in this Kingdom.

And be it further Enacted by the Authority aforeſaid, That all and every the ſeveral and reſpective Additional Duties, hereby Granted or Continued, ſhall be Raiſed, Anſwered, Collected and Paid unto Your Majeſty, Your Heirs and Succeſſors, during the Term aforeſaid, at the ſame Time, and in like Manner, and by ſuch Ways, Means and Methods, and by ſuch Rules and Directions, and under ſuch Penalties and Forfeitures, and with ſuch Powers, as are appointed, Directed, and Expreſſed, in and by the ſaid Act, made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Exciſe, or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates, therein inſerted] or by any other Law, now

now in Force, Relating to the Revenue, or Excise, in this Kingdom, as fully and effectually, to all Intents and Purposes, as if the same were particularly Mentioned, Expressed and Enacted again, in the Body of this present Act; With like Remedy of Appeal to and for the Party Grieved, as in and by the said Act of Excise, or any other Law now in Being, relating to the Duties of Excise, is Provided.

And be it further Enacted by the Authority aforesaid, That the Six Pence per Pound, and all other Fees which shall or may be Payable to the Vice-Treasurer, or Vice-Treasurers, Pay-Master, or Receiver-General, for, on Account of, or out of the Aids hereby Granted unto Your Majesty, shall be Received by the said Vice-Treasurer, or Vice-Treasurers, Receiver or Pay-Master General, for the Use of Your Majesty, Your Heirs and Successors, during the Term aforesaid, and shall be duly Accounted for, by him or them, to Your Majesty, Your Heirs and Successors, as a Further and Additional Aid hereby Given and Granted.

And be it further Enacted by the Authority aforesaid, That the several Sums hereafter mentioned, be Paid out of the aforesaid Additional Duties and Aids Granted and Continued to Your Majesty by this Present Act, to the Persons here-

in after mentioned (that is to say) The Sum of Two Thousand Pounds per Annum for Two Years, from the Twenty fifth Day of December, One thousand seven hundred and thirty five, to the Twenty fifth Day of December, which will be in the Year of our Lord, One thousand seven hundred and thirty seven, inclusive, to the Trustees Appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, for Encouraging the Raising of sufficient Quantities of Hemp and Flax in this Kingdom; Also the further Sum of Two thousand Pounds per Annum for Two Years, from the said Twenty fifth Day of December, One thousand seven hundred and thirty five, to the said Twenty fifth Day of December, One thousand seven hundred and thirty seven, inclusive, to the said Trustees appointed for the Management of the Hempen and Flaxen Manufactures of this Kingdom, for the further Encouragement of the said Hempen and Flaxen Manufactures in the Provinces of Leinster, Munster, and Connaught: Also the Sum of Three hundred Pounds Sterling to Agmondisham Vesey, Esquire, Accomptant General, as a Reward for his Expence and Trouble in Preparing and Stating the Publick Accompts of the Nation, Laid before the House of Commons this Session of Parliament;

liament ; Alſo the Sum of Three hundred Pounds to Bruen Worthington, a Clerk of the Houſe of Commons, as a Reward for his Attendance and Service this Seſſion of Parliament ; Alſo the Sum of Two hundred Pounds to Iſaac Ambroſe, a Clerk of the Houſe of Commons, as a Reward for his Attendance and Service this Seſſion of Parliament ; Alſo the Sum of Two hundred Pounds to John Ker, Clerk-Aſſiſtant, as a Reward for his Attendance and Service this Seſſion of Parliament ; Alſo the Sum of Three hundred Pounds, Sterling, to Richard Povey, Serjeant at Arms, as a Reward for his Attendance and Service on the Houſe of Commons ; The Sum of Two hundred and fifty Pounds to Henry Buckley and John Bentley, the Clerks Attending the Committee of Accounts and other Committees, as a Reward for their Attendance and Service this Seſſion of Parliament, to be Equally Divided between them ; The Sum of Eighty Pounds Sterling, to John Green and James Savage, Door-Keepers of the Houſe of Commons, as a Reward for their Attendance and Service this Seſſion of Parliament, to be Equally Divided between them ; The Sum of One hundred and twelve Pounds to Samuel Fairbrother, for Printing the Publick Accompts, Laid before the Houſe of

Commons this Seſſion of Parliament: All which ſaid ſeveral Sums are to be Paid by the Vice-Treaſurer or Receiver General of this Kingdom, without any other or further Warrant to be Sued for, Had or Obtained in that Behalf.

AN

AN

ACT

FOR

Granting to His Majeſty, a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar, and alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Penſions, to be applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three Hundred Thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty five, and towards the Diſcharge of the ſaid Principal Sum.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXV.

A N

A C T

F O R

Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar, and alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Penſions, to be applied to pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch Part thereof, as ſhall remain Unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty five, and towards the Diſcharge of the ſaid Principal Sum.

CHAP. II.

WHEREAS, in purſuance of an Act of Parliament made and paſſed in the Fifth Year of Your Majeſty's Reign [Intituled, An Act for Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar, and alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees and Penſi-

ons, to be applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, and towards the Diſcharge of the ſaid Principal Sum] **Orders or Receipts were iſſued out of Your Majeſty's Treaſury for the Sum of Three hundred thouſand Pounds, bearing an Intereſt at the Rate of Five Pounds** per Cent. per Annum.

And whereas, the ſeveral Aids and Duties thereby Granted to Your Majeſty were, by one other Act made and paſſed in the Seventh Year of Your Majeſty's Reign [**Intituled,** An Act for Granting to His Majeſty a further Additional Duty on Wine, Silk, Hops, China, Earthen, Japanned or Laquered Ware, and Vinegar, and alſo, a Tax of Four Shillings in the Pound on all Salaries, Profits of Employments, Fees, and Penſions, to be applied to Pay an Intereſt of Five Pounds *per Cent. per Annum*, for the Sum of Three hundred thouſand Pounds, or ſuch Part thereof, as ſhall remain unpaid on the Twenty fifth Day of *December*, One thouſand ſeven hundred and thirty three, and towards the Diſcharge of the ſaid Principal Sum] **Continued until the Twenty fifth Day of** December, **in the Year of our Lord, One thouſand ſeven hundred thirty and five inclusive, for the Payment of the ſaid Three hundred thouſand Pounds, and Intereſt, or ſuch Part thereof as remained unpaid on the ſaid Twenty fifth Day of** December, **One thouſand ſeven hundred and thirty three.**

And whereas, the ſeveral Aids and Duties thereby Granted to Your Majeſty, have

have not proved sufficient to Pay and Discharge the said Three hundred thousand Pounds, and Interest, or such Part thereof as remained unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty three, but the greatest Part of the said Principal Sum of Three hundred thousand Pounds will remain Unpaid and Unsatisfied, on the said Twenty fifth Day of December, One thousand seven hundred and thirty five.

Therefore be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the said Sum of Three hundred thousand Pounds, or for so much thereof as shall remain unpaid on the said Twenty fifth Day of December, in the Year of our Lord One thousand seven hundred and thirty five, there shall be paid at the Receipt of Your Majesty's Exchequer, by the Hands of the Vice-Treasurer or Paymaster-General, Vice-Treasurers or Paymasters-General, his or their Deputy or Deputies, at the End of every Six Calendar Months, from the said Twenty fifth Day of December, One thousand seven hundred and thirty five, to the Person or Persons who have Paid or Lent the same, his, her or their Executors, Administrators or Assigns, an Interest according to the Rate of five

Pounds per Cent. per Annum, without any Fee or Charge, and free from all Deductions, Defalcations and Abatements whatsoever, from and after the said Twenty fifth Day of December, One thousand seven hundred and thirty five, until such time as they be respectively paid their Principal Money at one entire Payment.

And be it further Enacted by the Authority aforesaid, That such Person or Persons who shall be Intitled to any Part of the said Sum of Three hundred thousand Pounds, which shall be unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty five, and shall not be willing to continue the same at the Interest of Five Pounds per Cent. per Annum, shall upon the Assignment of their unsatisfied Orders or Receipts to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, be paid the Principal Sum so due to them on the said Twenty fifth Day of December, One thousand seven hundred and thirty five, and all Interest then due thereon; And the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall and may assign such Receipts or Orders to such Person or Persons who shall Advance the Principal Money due thereon; Which Receipts or Orders so to be Assigned by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, shall Intitle the Assignees there-

of

of to the Principal Money due thereon, and to all Interest to grow due for the same from the Dates of such Assignments respectively.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Orders or Receipts for the said Sum of Three hundred thousand Pounds, or any Part thereof, have been given, his, her or their Executors, Administrators or Assigns, may by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum due upon such Orders or Receipts, which Indorsement, upon Notice to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, and an Entry or Memorial thereof Made in the said Vice-Treasurer's Office (which the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall on Request, permit the same to be Viewed at the usual Office-Hours, without Fee or Reward) shall Intitle the Indorsee or Assignee, his or her Executors, Administrators and Assigns, to the sole Benefit of the Sum so Transferred or Assigned; And that the said Order or Receipt may in like Manner be Assigned or Transferred by such Assignee, his or her Executors, Administrators or Assignes, and so toties quoties; And that after such Assignment, it shall not be in

the Power of the Person or Persons who made such Assignment to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And to the End and Intent, that the Interest of the said Sum of Three hundred thousand Pounds, or so much thereof as shall remain Unpaid on the said Twenty fifth Day of December, One thousand seven hundred and thirty five, after the Rate of five Pounds per Cent. per Annum, may be Duly and Regularly Paid Half-yearly, according to the true Intent and Meaning of this Act;

Be it further Enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, which shall be in this Present Year of Our Lord, One thousand seven hundred and thirty five, there Shall be, throughout this Your Majesty's Kingdom of Ireland, Raised, Levied, Collected, and Paid to Your Majesty, until the Twenty fifth Day of December, One thousand seven hundred and thirty seven, inclusive, and no Longer, over and above the Rates and Duties already Payable for the Same, and over and above the several Additional Duties Granted and Continued to Your Majesty this Present Session of Parliament, by an Act Intituled, An Act for Granting and Continuing to His Majesty an Additional Duty on Beer, Ale, Strong-Waters, Wine, Tobacco,

Tobacco, and other Goods and Merchandizes therein mentioned, the ſeveral Further New Additional Rates and Duties hereinafter Mentioned, That is to ſay, One Pound Thirteen Shillings per Tun for, and upon all Sorts of Wines of the Growth of Portugal, and Three Pounds per Tun for, and upon all other Sorts of Wine, that ſhall be Imported into this Kingdom, from the ſaid Twenty Fifth Day of December, One thouſand ſeven hundred and thirty five, to the Twenty fifth Day of December, One thouſand ſeven hundred and thirty ſeven, inclusive, and ſo Proportionably for a Greater or Leſſer Quantity; And alſo the Sum of Two Shillings and Six Pence per Pound-Weight for, and upon all Manufactures Made of Silk (Except the Manufactures of Great-Britain, China, Perſia, or the Eaſt-Indies) that ſhall be Imported into this Kingdom, During the Time aforeſaid; And alſo, One Half-Penny per Pound-Weight for, and upon all Hops, that ſhall be Imported into this Kingdom, During the Time aforeſaid; And alſo, Five Pounds per Cent. for, and upon all China, Earthen, Japanned or Lacquered Ware, that ſhall be Imported into this Kingdom, During the Time aforeſaid, as Valued or Rated for Cuſtom by the Book of Rates, Annexed to an Act Made in the Fourteenth Year of the Reign of King Charles the Second, in

this Kingdom Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into or out of the Kingdon of *Ireland*, according to a Book of Rates hereunto annexed; And also, Twenty Shillings per Tun for, and upon all Sorts of Vinegar, that shall be Imported into this Kingdom, During the Time aforesaid; And so Proportionably for a Greater or Lesser Quantity.

Provided allways, And be it further Enacted by the Authority aforesaid, That if any of the said Goods and Merchandizes on which the said Additional Duties are Charged, shall, after Payment thereof, or Security Given for the same, be again Exported by any Merchant or Merchants, that is or are a Subject or Subjects of this Realm, or any other His Majesty's Dominions, within Eighteen Months, or by Merchant Strangers within Twelve Months, after the Importation thereof, and due Proof first Made, by Certificate from the Proper Officers, of the due Entry of the Goods and Merchandizes hereby Charged with the said Duties, and of the Payment of the Additional Duties hereby Granted and Charged thereon, or Security having been Given for the same, and that all other Requisites have been Performed which are, by Law, Required to be Performed,

formed, in Cases where the Duties of Excise are to be Repaid, by Virtue of an Act Made in this Kingdom in the Fourteenth Year of the Reign of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] that then the said Additional Duties shall, without any Delay, be Repaid or Allowed unto such Merchant or Merchants so Exporting the same, within One Month after Demand thereof, or the Security for the said Additional Duties hereby Charged, shall be Vacated or Discharged, as to so much as shall be so Exported; Any Thing herein to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every the several and respective Additional Duties hereby Granted, shall be Raised, Answered, Collected, and Paid unto Your Majesty, Your Heirs and Successors, During the Time aforesaid, at the same Time, in like Manner, and by such Ways, Means and Methods, and by such Rules and Directions, and under such Penalties and Forfeitures, and with such Powers, as are Appointed, Directed and Expressed, in and by the said Act, Made in this Kingdom in the Fourteenth Year of King Charles the Second [Intituled, An Act for the Settling of the Excise, or New Impost,

upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted] or by any other Law now in Force, Relating to the Revenue or Excise, in this Kingdom, as Fully and Effectually, to all Intents and Purposes, as if the Same were herein Particularly Mentioned, Expressed and Enacted again, with like Remedy of Appeal to and for the Party Grieved, as in and by the said Act of Excise, or any other Law now in Force, Relating to the Duties of Excise, is Provided.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons, who shall have upon the said Twenty fifth Day of December, One thousand seven hundred and thirty five, or who shall have at any time, between the said Twenty fifth Day of December, One thousand seven hundred and thirty five, and the Twenty fifth Day of December, One thousand seven hundred and thirty seven, inclusive, any Salary, Profits of Employments, Fees or Pensions, in this Kingdom, shall Pay unto Your Majesty the full Sum of Four Shillings, Sterling, out of every Twenty Shillings a Year, which he, she or they, do or shall receive, or be Intitled unto, by Reason of such Salaries, Profits of Employments, Fees or Pensions, over and above the Charges and Expences of Executing the said Employments, unless such Person or Persons

ſons do, and ſhall Live and actually Reſide within this Kingdom, for and during the Space of Six Calendar Months at leaſt, in each of the ſaid Years; Which ſaid Tax, or Duty, of Four Shillings, Sterling, out of every Twenty Shillings a Year, as aforeſaid, out of ſuch reſpective Salaries and Penſions, ſhall be Stopped and Deducted Yearly, during the Time and Term aforeſaid, by the Vice-Treaſurer, Pay-maſter and Receiver-General of Your Majeſty's Revenue, or by ſuch Perſon or Perſons, who Paid the ſame; And which ſaid Tax of Four Shillings in the Pound, to be Stopped and Deducted as aforeſaid, by the Perſon or Perſons, who are to Pay the ſaid Salaries, ſhall be by him, or them, Paid to the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, to be Accounted for to Your Majeſty; And alſo, that the ſaid Tax of Four Shillings in the Pound, to be Stopt or Deducted out of the Profits, and Fees of any Perſon or Perſons, ſo abſent, as aforeſaid, ſhall be Stopped by the reſpective Deputy and Deputies, of ſuch Perſon and Perſons, ſo Abſent, as aforeſaid, and Paid by them to the ſaid Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, to be Accounted for to Your Majeſty; And, that ſuch Deputy or Deputies ſhall, within one Calendar Month, after ſuch Tax ſhall become due, Give in, upon Oath, an Account, before the Lord

Chief Baron, or any of the Barons of the Exchequer, or any two Justices of the Peace, of the Neat Profits of such Employment or Employments, for which such Deputy or Deputies are or shall be Accountable to their Principals; Which Account, such Person or Persons, to whom the same shall be Given upon Oath, as aforesaid, shall, forthwith, Send to the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies; And in Case such Deputy or Deputies shall Omit or Neglect to Give in, upon Oath, such Account, within the time herein before, for that Purpose, appointed, such Deputy or Deputies, Neglecting or Omitting the same, from the Time of such Omission or Neglect, shall be Incapable of Exercising or Holding such Deputation, and shall also Forfeit the Sum of One hundred Pounds, Sterling, to be Recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record at Dublin, One Moiety thereof to the Use of His Majesty, and the other Moiety to such Person or Persons, who shall Sue for the same, in which Suit no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be Allowed.

And be it further Enacted by the Authority aforesaid, That the Secretary or Secretaries of the Commissioners of Your Majesty's Revenue, the Agent and Agents of the several Regiments, upon the Establishment

of

of this Kingdom, and the Agent and Agents of the ſeveral Perſons, who are Intitled to Receive any Salaries or Penſions, upon Your Majeſty's Eſtabliſhment, ſhall reſpectively, on or before the laſt Day of February, Yearly, deliver in upon Oath, (which Oath the ſaid Lord Chief Baron, or any one of the Barons, of Your Majeſty's Court of Exchequer, or any Two Juſtices of the Peace, are hereby Required and Impowered to Adminiſter) to the beſt of their Knowledge, a Liſt or Account of ſuch of the Officers of the Revenue, and the Officers of the ſaid Regiments, of the Degree of a Field-Officer, and of the Perſon or Perſons, who are Intitled to Receive any ſuch Salaries or Penſions, who ſhall have been Abſent, and Out of this Kingdom, for Six Calendar Months in the Year, ending the Twenty fifth Day of December, next preceding; And in Caſe ſuch Secretary or Secretaries, Agent or Agents, ſhall Refuſe or Neglect to Deliver in ſuch Liſts reſpectively, he or they ſhall be Diſabled from Holding and Enjoying, the ſaid Office of Secretary or Secretaries, or from being Agent or Agents.

Provided allways, And be it further Enacted and Declared by the Authority aforeſaid, That this Act ſhall not Extend to Charge the ſaid Tax or Duty of Four Shillings Sterling, a Year, on every Twenty Shillings, as aforeſaid, upon the Salary, Penſion, Fees, or Profits of Em-

ployments, payable to the Lord Lieutenant or other Chief Governor or Governors of this Kingdom, for the Time being, his or their Secretary or Secretaries; Nor to such Person or Persons who shall, within One Month after such Tax shall become payable, be Exempted from the Payment thereof by His Majesty's Sign Manual, Produced for that Purpose, and Lodged with the Vice-Treasurer or Vice-Treasurers of this Kingdom, or his or their Deputy or Deputies, within One Month after the said Tax shall become Due; Nor to the Officers of such Regiments as now are, or hereafter shall be Commanded Abroad, on His Majesty's Service; Nor to the half-pay Officers on the Establishment of this Kingdom; Nor to the Widows of Officers; Nor to any Officer under the Degree of a Field-Officer.

And be it further Enacted by the Authority aforesaid, that neither the Six Pence per Pound, nor any other Fees, shall be payable to, or be Deducted or Received by the Vice-Treasurer, Receiver or Paymaster General, Clerk of the Pells, or any other Officer or Officers of this Kingdom, for or on Account of, or out of the Aids hereby Granted to Your Majesty, or of any Payment to be made thereout, in pursuance of this Act.

And be it further Enacted by the Authority aforesaid, That the several Duties

and

and Aids, and the ſaid Tax of Four Shillings in the Pound, hereby Granted to Your Majeſty, ſhall in the firſt place be Applied and Paid by the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, to the Diſcharge of the Intereſt of the ſaid Sum of Three hundred thouſand Pounds, or ſo much thereof as ſhall remain Unpaid on the ſaid Twenty fifth Day of December, in the Year of our Lord One thouſand ſeven hundred and thirty five, and that all the Surplus of the ſaid Aids and Duties hereby Granted to Your Majeſty, over and above what ſhall be ſufficient to Diſcharge the ſaid Intereſt of the ſaid Sum of Three hundred thouſand Pounds, or ſo much thereof as ſhall be Unpaid on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty five, ſhall be applied towards the Diſcharge of the ſaid Principal Sum of Three hundred thouſand Pounds, or ſo much thereof as ſhall be unpaid on the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty five, in manner herein after mentioned (viz.) That when and as often as ſuch Surplus Received by the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, ſhall amount to the Sum of Five thouſand Pounds, that then the Vice-Treaſurer or Vice-Treaſurers, his or their Deputy or Deputies, ſhall cauſe the Numbers of

all the Receipts or Orders which shall remain unsatisfied on the Twenty fifth Day of December, One thousand seven hundred and thirty five, and the Sums therein contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Selved up and put into a Box or Urn, and well mixed together, and an indifferent Person shall Publickly between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, publickly Advertized in the Dublin Gazette for that Purpose, at least Twenty Days before, at the Office of the Vice-Treasurer or Vice-Treasurers, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein contained shall amount to the said Sum of Five thousand Pounds, and the Person or Persons, the Number of whose Order or Receipt shall be so Drawn, his or their Executors, Administrators or Assigns, shall within Twenty Days after the said Tickets or Pieces of Parchments shall be Drawn, be Paid by the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, the Principal Sums to him or them respectively due, with Interest for the same after the Rate of five Pounds per Cent. per Annum till Paid, and shall upon Payment thereof, Deliver up his and their several and respective Orders

and

and Receipts to the said Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, to be Cancelled, which he or they are hereby required to Cancel accordingly, and the Interest payable by Virtue of such Orders or Receipts shall cease from the Expiration of Twenty Days, to be accounted for from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That if any Part of the said Principal Sum of Three hundred thousand Pounds, shall be due and unpaid on the Twenty fifth Day of December, which shall be in the Year of our Lord One thousand seven hundred and thirty seven, the same shall be well and truly Satisfied and Paid unto the several and respective Persons, their Executors, Administrators and Assigns respectively, to whom the same shall be then due, together with such Interest for the same as shall be then due, at the Rate of five Pounds per Cent. per Annum, without any Deduction, Defalcation or Abatement whatsoever.

And be it further Enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of December, One thousand seven hundred and thirty five, a Separate and Distinct Account shall be kept, by the Proper Officers, of the Aids, Duties and Taxes Granted by this Act, or any other Act of Parliament now in

Force in this Kingdom, and Appropriated to Particular Uses; And that the Commissioners of his Majesty's Revenue shall Return their Weekly Abstracts from the Several Collectors, to the Accomptant General; And that the Accomptant General shall Return a Separate Account of the Several Duties and Taxes so Appropriated, to the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies; And that every Collector or Receiver of the said Duties and Taxes do take a Separate Receipt for the same, when paid into his Majesty's Treasury, which said Receipt the Vice-Treasurer or Vice-Treasurers, his or their Deputy or Deputies, is and are hereby Required to Give Accordingly.

AN

ACT

For the Better

REGULATING

OF

JURIES.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXV.

AN

ACT

FOR

The better Regulating of Juries.

CHAP. III.

WHEREAS many Evil Practices have been used in Corrupting of Jurors, returned for the Tryal of Issues joyned to be Tried before the Justices of Assize or Nisi-prius, and many Persons being lawfully Summoned to Serve on Juries have neglected to Appear, to the great Injury of many Persons in their Properties and Estates; In order to prevent the like Practices, Neglects and Abuses,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the

Authority of the ſame, That from and after the Firſt Day of March, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and thirty ſix, no Perſon or Perſons, other than Strangers upon Tryals per Medietatem Linguæ, ſhall be Qualified to ſerve as Jurors for the Tryal of Iſſues joined between Party and Party, in the Courts of Chancery, King's-Bench, Common-Pleas or Exchequer, or to Serve on any Jury on the Tryal of any ſuch Iſſue, before any Juſtice or Juſtices of Aſſize or Niſi-prius (except in Counties of Cities, and Counties of Towns) that ſhall not be Seized of a Free-hold of the clear Value of Five Pounds per Annum, or being a Proteſtant or Proteſtants, ſhall not be poſſeſſed of a Leaſe or Leaſes for a Term of Years, of which Ten Years ſhall be then in Being and unexpired, or a Leaſe or Leaſes for Sixty One Years or more, Determinable on one or more Life or Lives, on which Leaſes reſpectively a clear Profit Rent of not leſs than Fifteen Pounds per Annum ſhall ariſe or accrue to the Leſſee thereof; And if any Perſon of leſſer Eſtate or Value than as aforeſaid, ſhall be reſpectively Returned upon any ſuch Jury, it ſhall be a good Cauſe of Challenge, and the Party ſo Returned ſhall be Diſcharged upon ſuch Challenge, on due Proof thereof, or on Oath by him to be made of the Truth

of ſuch Matter, and the Writ of Venire Facias, which from and after the Time aforeſaid, ſhall be awarded and directed for Impannelling of Juries in Caſes aforeſaid, ſhall be in this Form, Rex, &c. Precipimus, &c. quod Venire Facias coram, &c. Duodecim Liberos et Legales Homines de Commitat' tuo Quor' Quilibet habet quinque Libras Terræ Tenementorum vel Redditum per Annum, ad minus per quos, &c. et qui nec, &c. and the Reſidue of the ſaid Writ ſhall be after the uſual Manner; And upon ſuch Writ, all Perſons qualified by this Act to Serve on Juries as is before Directed, whether Free-holders or Leaſe-holders, ſhall and may be Returned, Summoned and Impannelled, to Serve on Juries as aforeſaid, in like Manner as Free-holders may be Returned, Summoned or Impannelled, by Virtue of this Act, or any other Act or Acts of Parliament for that Purpoſe; Any Law, Statute, Uſage or Cuſtom, to the Contrary thereof in any wiſe notwithſtanding.

And that all Sheriffs of Counties, may be the better Informed of Perſons Qualified, who are to be Returned on Tryals of ſuch Iſſues; Be it Enacted by the Authority aforeſaid, That from and after the Firſt Day of Auguſt, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and thirty ſix, all High-Conſtables of Baronies, Half-Baronies or Diviſions, in any County within this King-

dom, shall Yearly, at the General Quarter-Sessions of the Peace, to be Holden for each County, in the Week after the Feast of St. Michael the Arch-Angel, upon the First Day of the said Sessions, or upon the First Day that the said Sessions shall be Held by Adjournment, Return and give in upon Oath, to the best of his or their Knowledge or Belief, a true List in Writing, of the Names and Places of Abode, of all Persons within their respective Baronies, Half-Baronies or Divisions, Qualified, Pursuant to the foregoing Clause, to serve upon Juries, with their Titles and Additions, between the Age of Twenty one Years, and the Age of Seventy Years, to the Justices of the Peace in open Court, who are hereby Required and Impowered to Administer the said Oath, which said Justices, or any Two of them, at the said Sessions, shall cause to be Delivered, a Duplicate of the aforesaid List, or of the List Rectified in the Manner herein after mentioned, by the Clerks of the Peace of every County, to the Sheriff of eath respective County, or his Under-Sheriff, on or before the Twelfth Day of February then next following, and cause the said List or Lists, to be fairly and truly Entered in a Book, by the Clerk of the Peace, to be by him Provided and Kept for that Purpose, amongst the Records of the said Court of Sessions; And no Sheriff, Under-Sheriff, Bailiff or other Officer, to whom the Return of Juries

shall

ſhall belong, ſhall Return any Perſon or Perſons, to try any ſuch Iſſues, that ſhall not be named or mentioned in the ſaid Liſt; And any High-Conſtable, failing to make the Return aforeſaid, ſhall be Fined any Sum not leſs than the Sum of Five Pounds, nor exceeding Ten Pounds, for ſuch their Default, by the ſaid Juſtices in open Seſſions, which Fine, when Impoſed, ſhall be by the ſaid Juſtices and Clerk of the Peace, Eſtreated into His Majeſty's Court of Exchequer.

And to Prevent any Grievance or Inconvenience that may happen, on Making or Returning the ſaid Liſts, Every High-Conſtable, ſhall Yearly, and every Year, Twenty Days at leaſt, before the Feaſt of St. Michael the Arch-Angel, upon Two or more Sundays, Fix upon the Door of every Church in which Divine Service ſhall be Celebrated, within their reſpective Precincts, a True and Exact Liſt of all ſuch Perſons, hereby intended to be Returned to the Quarter-Seſſions of the Peace, as Qualified to Serve on Juries, Purſuant to the Directions aforeſaid, and alſo leave at the ſame Time, an Exact Duplicate of ſuch Liſt, with the reſpective Officiating Miniſters of each Pariſh, which Miniſter is hereby Required, upon one of the ſaid Sundays, which ſhall happen, at leaſt a Week before the ſaid Feaſt of St. Michael the Arch-Angel, immediately after Divine-Service, to Read over exactly, and

publish the said Lists to the Congregation then Attending, to the End that Notice may be given of Persons so Qualified, who are Omitted, or of Persons Inserted by Mistake, who ought to be Omitted out of such Lists; And if any Person or Persons, not being Qualified to Serve on Juries, according to the Intention and Direction of this Act, shall find his or their Name or Names mentioned in such List, and the Person or Persons, required to make such List, shall refuse to Omit him or them, or think it Doubtful, whether he or they ought to be Omitted, it shall and may be Lawful, to and for the Justices of the Peace for the County, at their respective General Quarter-Sessions, to which the said List shall be Returned, upon Satisfaction given them, by the Oath of the Party Complaining, or other Proof that he is not Qualified to Serve on Juries, as this Act Requires, to Order his or their Name or Names, to be Struck out or Omitted in such List, when the said List shall be Entered in a Book, to be kept by the Clerk of the Peace for that Purpose; As also, to Insert in such List, the Name or Names, of such Person or Persons, as, upon due Examination and Proof before them, shall be found to be duly Qualified, according to the Intention of this Act, and Omitted by such High-Constable; And when Duplicates of the said List shall be Delivered or Transmitted, by

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the Clerk of the Peace, to the Sheriff of each respective County, or to his Under-Sheriff, in such Manner as aforesaid, such Sheriff or Under-Sheriff, shall immediately take Care, that the Names of the Persons con-contained in such Duplicates, shall be Faithfully Entered Alphabetically, with their Additions and Places of Abode, in some Book or Books, to be kept by him or them for that Purpose; And that every High-Sheriff, Clerk of the Peace, or High-Constable respectively, neglecting his Duty herein, shall be Fined by the Judges of Assize, in any Sum not exceeding Ten Pounds, nor less than Forty Shillings; Which said Fines, when Imposed, the said Judges are hereby required to Estreat into His Majesty's Court of Exchequer.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons Required by this Act to Make up, Return, or Give in any such List, or any ways Concerned therein, shall Wilfully Omit out of any such List, any Person or Persons who Ought to be Inserted, or shall Wilfully Insert any Person or Persons who Ought to be Omitted, or shall Take any Money or other Reward for Omitting or Inserting any Person whatsoever, he or they so Offending shall, for every Person so Omitted or Inserted in such List, Contrary to the Meaning of this Act, Forfeit such

Sum and Sums of Money, not Less than the Sum of Five Pounds, nor Exceeding the Sum of Twenty Pounds, as the Justices at the General Quarter-Sessions of the Peace shall think Fit to Determine, According to the Nature of the Offence, who are hereby Impowered and Required, on Examination and Proof of such Offence, in a Summary Way, to Set the said Fine as is before Limited and Appointed; Which Fine so Set and Imposed, the said Justices and Clerk of the Peace are hereby Required to Estreat into His Majesty's Court of Exchequer.

And be it further Enacted by the Authority aforesaid, That in Case any Sheriff or Under-Sheriff, Bailiff, or other Officer, to whom the Return of Juries shall Belong, shall Summon and Return any Person or Persons to Serve on any Jury, for Tryal of any such Issues as aforesaid, whose Name is not Inserted in the Duplicates so Delivered or Transmitted to him or them by such Clerk of the Peace, if any such Duplicate shall be Delivered or Transmitted, or if any Clerk of Assize or Nisi-prius shall Record the Appearance of any Person so Summoned and Returned as aforesaid, who did not Really and Truly Appear, Then, and in such Case, the Judges of the said respective Courts, or any Judge or Justice of Assize or Nisi-prius, shall and may, upon Examination and

and Proof, in a Summary Way, Set such Fine or Fines upon such Sheriff or Under-Sheriff, Clerk of Assize or Nisi-prius, for every such Person so Summoned and Returned as aforesaid, and for every Person whose Appearance shall be so Falsly Recorded, as the said Judges of the said respective Courts, or any Judge or Justice of Assize or Nisi-prius, shall Think Meet, not Exceeding the Sum of Twenty Pounds, and not Less than the Sum of Forty Shillings; Which said Fines so Imposed, the said Judges and Justices are hereby Required to Estreat into His Majesty's Court of Exchequer.

And be it further Enacted by the Authority aforesaid, That no Sheriff or Under-Sheriff, Bailiff, or other Officer or Person whatsoever, shall, Directly or Indirectly, Take or Receive any Money, or other Reward, to Excuse any Person from Serving, or being Summoned to Serve on Juries, or under that Colour or Pretence; And that no Bailiff, or other Officer, Appointed by any Sheriff or Under-Sheriff to Summon Juries, shall Summon any Person to Serve thereon, other than such whose Name is Specified in a Mandate, Signed by such Sheriff or Under-Sheriff, and Directed to such Bailiff or other Officer, and shall Summon every Person Named in such Mandate, by the Space of Six Days at least,

before the Time Appointed for such Jury to Appear; And if any Sheriff, Under-Sheriff, Bailiff, or other Officer, shall Wilfully Transgress in any of the Cases aforesaid, Any Court where such Jury is to Appear, the Judge or Justices of Assize or Nisi-prius, may, and is hereby Required, on Examination and Proof of such Offence, in a Summary Way, to Set a Fine or Fines upon any Person or Persons so Offending, as he shall Think Meet, not Exceeding the Sum of Ten Pounds, nor Less than Forty Shillings, According to the Nature of the Offence, to be Estreated into His Majesty's Court of Exchequer, as aforesaid.

And be it further Enacted by the Authority aforesaid, That from and after the First Day of November, One thousand seven hundred and thirty six, every Sheriff or other Officer to whom the Return of the Venire Facias Juratores, or other Process for the Tryal of Causes before the Justices of Assize or Nisi-prius, in any County doth or shall belong, shall upon his Return of every such Writ of Venire Facias, (unless in Causes Intended to be Tryed at Barr, or in Cases where a special Jury shall be Struck by Order or Rule of Court) Annex a Pannel to the said Writ, containing the Christian and Sirnames, Additions and Places of Abode, of a Competent Number of Jurors, named in such Lists as qualified to Serve

on

on Juries, the Names of the same Persons to be inserted in the Pannel annexed to every Venire Facias for the Tryal of all Issues, at the same Assizes in each respective County, which Number of Jurors shall not be less than thirty six, in any County, nor more than Sixty without Direction of the Judges appointed to go the Circuit, and to Sit as Judges of Assize or Nisi-prius, in such County or One of them, who are respectively hereby Impowered and Required, if he or they see Cause, by Order under his or their respective Hand or Hands, to Direct a greater or lesser Number, and then such Number as shall be so Directed, shall be the Number to Serve on such Jury, and that the Writs of Habeas Corpora Juratorum or Distringas, subsequent to such Writ of Venire Facias Juratores, need not have Inserted in the Bodies of such respective Writs, the Names of all the Persons contained in such Pannel, but it shall be sufficient to Insert in the Mandatory part of such Writs respectively, Corpora Seperalium Personarum impanello huic brevi annexo Nominatarum, or Words of the like Import, and to Annex to such Writs respectively Pannels containing the same Names as were Returned in the Pannel to such Venire Facias, with their Additions and Places of Abode, that the Parties concerned in any such Tryals, may have timely Notice of the Jurors who are to Serve thereon, in Order to Make their Challen-

ges to them if there be Cause, and that for the Making the Returns and Pannels aforesaid, and Annexing the same to the respective Writs, no other Fee or Fees shall be Taken than what are now allowed by Law to be Taken, for the Return of the like Writs and Pannels Annexed to the same, and that the Persons Named in such Pannels shall be Summoned to Serve on Juries, at the then next Assizes or Sessions of Nisi-prius, for the respective Counties, to be Named in such Writs and no other; Any Thing in this or any other Law to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Name of each and every Person, who shall be Summoned and Impannelled as aforesaid, with his Addition and the Place of his Abode, shall be Written on several Distinct Pieces of Parchment or Paper, being all as near as may be of equal Size and Bigness, and shall be delivered unto the Clerk of such Judge of Assize or Nisi-prius, who is to Try the Causes in the said County, by the Sheriff or Under-Sheriff of the said County, or other Officer Returning the Process, and shall by the Direction and Care of such Clerk be Rolled up, all as near as may be in the same Manner and Put together in a Box or Glass, to be Provided for that Purpose, and when any such

such Cause shall be brought on to be Tryed, some Indifferent person by Direction of the Court, may and shall in Open Court draw out Twelve of the said Parchments or Papers, one after another, and if any of the persons, whose Names shall be so Drawn shall not Appear, or shall be Challenged and Set aside, then such further Number, until Twelve persons be Drawn who shall Appear, and after all Causes of Challenge shall be Allowed as Fair and Indifferent, and the said Twelve persons so first Drawn, Appearing and Approved as Indifferent, their Names being Marked in the Pannel, and they being Sworn shall be the Jury to Try the said Cause, and the Names of the persons so Drawn and Sworn, shall be Kept apart by themselves, in some Box or Glass to be kept for that purpose, till such Jury shall have Given in their Verdict, and the same is Recorded, or untill such Jury shall by Consent of the Parties or Leave of the Court be Discharged, and then the same Names shall be Rolled up again and Returned to the former Box or Glass, there to be Kept with the other Names Remaining at that Time Undrawn, and so toties quoties, as long as any Cause remains then to be Tryed.

Provided allways, That if any Cause shall be brought on to be Tried in any of the said Courts respectively, before the

Jury in any other Cause shall have brought in their Verdict or be Discharged, it shall and may be Lawful for the Court to order Twelve of the Residue of the said Parchments or Papers, not containing the Names of any of the Jurors who shall not have so brought in their Verdict or be Discharged, to be Drawn in such Manner as is aforesaid, for the Tryal of the Cause which shall be brought on to be Tried.

And be it further Enacted by the Authority aforesaid, That every Person or Persons, whose Name or Names shall be so Drawn as aforesaid, and who shall not Appear after being openly Called Three Times, shall, upon Oath made by some Credible Person, that such Person so making Default, had been lawfully Summoned, Forfeit and Pay, for every Default in not Appearing upon Call as aforesaid (unless some reasonable Cause of his Absence be Proved by Oath or Affidavit, to the Satisfaction of the Judge who sits to Try the said Cause) such Fine or Fines, not exceeding the Sum of Twenty Pounds, and not less than Forty Shillings, as the said Judge shall think Reasonable to Inflict or Impose for such Default; Which Fine so Imposed, the Judges are hereby required to Estreat into His Majesty's Court of Exchequer. Provided allways, that Where a View shall be allowed in any Cause,

that

that in ſuch Caſe, ſix of the Jurors named in ſuch Pannel or more, who ſhall be mutually Conſented to by the Parties or their Attornies on both Sides (or if they cannot agree, ſhall be Named by the proper Officer of the reſpective Courts of King's-Bench, Common-Pleas or Exchequer at Dublin, for the Cauſes in their reſpective Courts) ſhall have the View, and ſhall not be Challenged off, but They, or ſuch of them as Appear, ſhall be firſt Sworn upon the Jury to Try the ſaid Cauſe, before any Drawing as aforeſaid, and ſo many only ſhall be Drawn to be added to the Viewers who Appear, as ſhall after all Defaulters and Challengers allowed, make up the Number of Twelve, to be Sworn for the Trial of any ſuch Cauſe.

And whereas, notwithſtanding the Proviſion made in this Act to compel Jurors to Appear, it may happen that a ſufficient Number of the Jurors returned may not Appear after legal Challenges;

Be it Enacted by the Authority aforeſaid, That a Tales may be Granted and Returned as hath been heretofore uſed and accuſtomed; Any thing herein contained to the Contrary thereof in any Wiſe notwithſtanding.

And whereas for Tryals of Cauſes upon Writs of Niſi-Prius, the Sheriffs do Return a Competent Number of Jurors, but it often happens that many of the

ſaid Cauſes which are brought down for Trial, do not go on to be Tried at the firſt Aſſizes, but are brought down again to be Tried again at ſome other Subſequent Aſſizes, whereby the Jurors returned to Try ſuch Cauſes are Compelled to Attend at ſeveral Aſſizes for Tryal of one and the ſame Cauſe, to their very great Expence and Trouble; Be it further Enacted by the Authority aforeſaid, That if at any Time after the Commencement of this Act, any Plaintiff or Demandant in any Cauſe between Party and Party, Depending in any of the King's Courts at Dublin, which ſhall be at Iſſue, ſhall ſue forth any Writ of Venire Facias, upon which any Writ of Habeas Corpora or Diſtringas with a Niſi-Prius ſhall iſſue, in Order to the Trial of ſuch Iſſue at the Aſſizes, or the Sittings in the Court of King's-Bench, Common-Pleas or Exchequer, in or after Term for Tryal by Niſi-Prius, and that ſuch Plaintiff or Demandant ſhall not Proceed to the Tryal of ſuch Iſſue at the ſaid firſt Aſſizes, or next Sittings in the ſaid Courts, after the Teſte of every ſuch Writ of Habeas Corpora or Diſtringas with a Niſi-Prius, then, and in all ſuch Caſes (other than where Views by Jurors ſhall be Directed) the Plaintiff or Demandant, whenſoever he ſhall think fit to Try the ſaid Iſſue at any other Aſſizes, or Sittings in the ſaid Courts, ſhall ſue forth and proſecute

a new Writ of Venire Facias, Directed to the Sheriff or other Returning Officer, which Writ being duly Returned and Filed, a Writ of Habeas Corpora or Distringas with the Nisi-Prius shall Issue thereupon (for which the Antient and Accustomed Fees shall be taken and no more, as in the Case of the Pluries Habeas Corpora or Distringas with the Nisi-Prius) upon which the Plaintiff and Demandant may proceed to Tryal, as if no former Writ of Venire Facias had been Prosecuted or Filed in that Cause, and so Toties Quoties as the Case shall require.

And if any Defendant or Tenant in any Action depending in any of the said Courts shall be minded to bring to Tryal any Issue joined against him, when by the Course of any of the said Courts he may Lawfully do the same by Proviso, such Defendant or Tenant shall or may, the Issuable Term next preceding such intended Tryal, to be had at the next Assizes or Sittings in the said Courts, sue out a new Venire Facias to the Sheriff or other Returning Officer by Proviso, and prosecute the same by Writ of Habeas Corpora or Distringas with a Nisi-Prius, as tho' there had not been any former Venire Facias sued out or returned in that Cause, and so Toties Quoties as the Matter shall require.

And be it also Enacted and Declared, by the Authority aforesaid, That every Writ

of Venire Facias, and every Writ of Habeas Corpora or Distringas with a Nisi-Prius, sued out and Prosecuted according to the Purport and Direction of this Act, and all Tryals, Entries and Proceedings thereupon shall be Good and Warrantable by Law, and not be Erroneous or be Assigned or Assignable for Error; Any former Law or Usage to the contrary thereof in any wise notwithstanding.

Provided allways, that nothing in this Act contained, shall Extend, or be Construed, to Qualifie any Persons of the Popish Religion, to Serve on any Jury in such Cases, where, by An Act for Explaining and Amending an Act, Intituled, *An Act to Prevent the further Growth of Popery*, Made in the Eighth Year of the Reign of Her late Majesty Queen Anne, or by any other Law now in Being, such Persons are rendered Incapable of being Jurors, or to Serve on Juries, or on the Tryals of any Issues, or any Action Depending in any of the Courts above-mentioned, where such Action or Suit is Commenced and Carried on, by a Protestant against a Papist, or a Papist against a Protestant; In which Cases, it shall and may be Lawful, to Challenge any Papist Returned as a Juror, to Try the Issue in any such Case, and Assign for Cause, That the Person so Returned to Serve, is a Papist or Reputed Papist; Which Challenge, the said Justice, Judge

or

or Judges, before whom the ſame is to be Tried, ſhall Allow, if Proved, and Adjudge the ſame to be a Good and Legal Challenge; Any Thing in this Act contained, or in any former Law, to the Contrary hereof in any wiſe, notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That this Act ſhall be openly Read at every General Quarter-Seſſions, to be Holden for every County, during ſuch Time as this Act ſhall Continue in Force.

And be it further Enacted by the Authority aforeſaid, That this Act ſhall Continue and be in Force, until the Twenty ninth Day of September, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and thirty nine, and to the End of the then next Seſſion of Parliament, and no longer.

AN

ACT

For the FURTHER

Encouragement *and* Improvement

OF THE

FLAXEN and HEMPEN

MANUFACTURES.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXV.

AN

ACT

FOR

The further Encouragement and Improvement of the Flaxen and Hempen Manufactures.

CHAP. IV.

WHEREAS Great Frauds are Daily Committed in the Packing of Hemp: For Remedy thereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Present Parliament Assembled, and by the Authority of the same, That from and after the First Day of May, One thousand seven hundred and thirty six, it shall and may be Lawful for the Trustees Appointed for Encouraging the Hempen and Flaxen Manufactures of this Kingdom, or any Five or more of them, to Licence and Appoint such, and so many

Fit and Proper Persons in such Places of this Kingdom, as they shall Judge most Convenient, to View, Examine, and Weigh all such Dress Hemp as shall be Produced and Offered for that Purpose; And if such Hemp Appear to be Good and Merchantable, such Person so Licenced, shall and may Pack and Make up the same, and Mark on each Package the Weight of the Hemp therein Contained, and Seal or Stamp the same with the Name of such Packer, and the County in which he Resides, or such other Impression as the said Trustees shall think fit to Appoint; For all which, such Packer shall and may Demand and Take any Sum to be Appointed by the said Trustees, not Exceeding Six Pence for every Hundred-Weight of Hemp so Packed and Marked; And if any Person or Persons being Licenced as aforesaid, shall Seal or Stamp any Package of Hemp that is not Merchantable, or shall Mark the Same with a Greater Weight than such Package Contains, Such Person or Persons so Offending, shall Forfeit, to the Person or Persons that shall be Damnified by Buying such Hemp, the Sum of Six Shillings for every Hundred-Weight of such Package so Stamped or Marked as aforesaid, on Conviction before a Justice of the Peace or Chief Magistrate, within their respective Jurisdictions, on the Oath of One or

More

More Credible Witnels or Witnelles; Which Oath, such Justices of the Peace, and Chief Magistrates, are hereby Impowered to Administer; And they are also hereby Impowered to Hear, and Finally to Determine such Offences; Such Penalties to be Levied by Warrant of such Justice of the Peace or Chief Magistrate, together with Twelve Pence for the Constable, who shall Execute the same, by Distrels and Sale of the Offenders Goods; And all such Packers shall be Subject to such Rules, Orders and Directions, as the said Trustees, or any Five or More of them, shall think Fit, Provided the same be not Contrary to this Act; And the said Trustees, or any Five or More of them, shall be Empowered to Administer to every such Packer, as aforesaid, such Oath as they shall think Proper, for the Faithful Execution of the said Office.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons from and after the First Day of August, One thousand seven hundred and thirty six, shall Sell or Expose to Sale, One hundred Weight or any greater Quantity of Dressed Hemp of the Growth of this Kingdom, not being Packed and Marked as aforesaid, all such Hemp shall be Forfeited to the Person or Persons, who shall Seize the same; And it shall and may be Lawful

ful to and for any Perſon or Perſons, to Seize and Carry the ſame before any Juſtice of the Peace or Chief Magiſtrate, within their reſpective Juriſdictions, who are hereby Impowered upon the Confeſſion of the Parties, or the Oath of One or more Credible Witneſs or Witneſſes, (which Oath they are hereby Authorized to Adminiſter) to Hear and Finally to Determine the ſame, and to Condemn or Diſcharge ſuch Hemp ſo Seized as aforeſaid; And that if any Perſon ſhall Counterfeit any ſuch Seal or Stamp, every ſuch Perſon being thereof Lawfully Convicted, ſhall Incur and be Subject to the ſame Pains, Penalties and Puniſhments, as in and by an Act, made in the Sixth Year of the Reign of His late Majeſty King George the Firſt, [Intituled, An Act for the better Regulating the Buying and Selling of Yarn and Cloth, and further Improving the Hempen and Flaxen Manufactures of this Kingdom] are Inflicted for Counterfeiting the Seal or Stamp, thereby Directed to be Set or Fixed to Bleached Linnen Cloth.

And whereas, by an Act made in the Second Year of his late Majeſty King George the Firſt, [Intituled, An Act for continuing the Encouragement, Given by former Acts of Parliament to the Flaxen and Hempen Manufactures, and for the further Improvement and Regulation of the ſame.] a Præmium of Two Pence per Yard for the Cheap-

Cheaper, and Four Pence for Main-Sail Canvas, was given to the Exporter for the Term of Ten Yeats; Which by another Act made in the Tenth Year of His late Majesty King George the First [Intituled, An Act for Amending the several Laws now in Force, for the Encouraging the Hempen and Flaxen Manufactures in this Kingdom, and for the further Improvement thereof] was Continued for a further Term of Eight Years, from the End of the said Term of Ten Years; And which by another Act made in the Seventh Year of the Reign of His present Majesty [Intituled, An Act for the further Regulation and Improvement of the Flaxen and Hempen Manufactures] is continued until the Twenty Fifth Day of December, in the Year of Our Lord One thousand seven hundred and forty four, and from thence to the End of the then next Session of Parliament; And whereas by the said last Recited Act, the like Præmiums are Given for Sail-Cloth of Irish Hemp, made into Main-Sails or Top-Sails, as are given by the said Recited Acts for Sail-Cloths Exported; And whereas great Frauds have been Committed in Obtaining the said Præmiums, by Obtaining the Præmium more than once for the same Sail-Cloth: For Remedy whereof;

Be it further Enacted by the Authority aforesaid, That from and after the

First Day of May, One thouſand ſeven hundred and thirty ſix, no Perſon whatſoever, ſhall be Intitled to any Præmium, for any Canvas or Sail-Cloth made into Sails, or for any Canvas or Sail-Cloth whatſoever, other than ſuch Sail-Cloths as ſhall be Produced to the Proper Officer of the Cuſtom-Houſe, at the reſpective Ports, in one whole or intire Bolt or Piece, containing Thirty Six Yards at the leaſt, which ſhall be then Cut thro' the Middle by the Officers, before whom it is Produced, who are hereby Required and Authorized to Cut the ſame; Any Thing in the ſaid Recited Acts contained to the contrary notwithſtanding.

And for the further Encouragement of the Hempen Manufacture of this Kingdom; Be it further Enacted by the Authority aforeſaid, That from and after the ſaid First Day of May, One thouſand ſeven hundred and thirty ſix, the ſame Præmiums ſhall be given, in the ſame Manner and for the ſame Term of Years, and under the ſame Conditions and Limitations, for all Canvas or Sail-cloth made or to be made in this Kingdom, of Hemp of the Growth thereof, which ſhall be Entred at any Cuſtom-Houſe of this Kingdom for Home Conſumption, as by this and the ſaid recited Acts are Given and Enacted for Sail-cloth Exported, which Entries the proper Officers of the ſeveral

Cuſtom-

Custom-houses of this Kingdom are hereby Required to make.

And for the further Regulation of Lappers and Packers, Be it Enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and thirty six, if any Lapper shall Lap or Stamp any Linen-cloths, or any Packer of Hemp shall Pack or Stamp any Package of Hemp after Notice that his Seals or Stamps are ordered by the said Trustees, or any Five or more of them, to be Given up, or not to be further Used by him, every such Lapper or Packer shall, for every such Offence, Forfeit the Sum of Five Pounds, to be recovered by any Person who shall Sue for the same by Civil Bill, in the County where such Lapper or Packer shall Reside, at the next Assizes, and in the Counties of the City of Dublin, and County of Dublin, at the next General Quarter-Sessions of the Peace, with the like Remedy of Appeal as is now Used and Practised in other Cases by Civil Bill, and that in every such Suit by Civil Bill, an Advertisement for that Purpose, Published two several Times successively in the Dublin-Gazette, shall be sufficient Evidence against the Defendant of such Order, and of Notice thereof; And that if any Lapper or Packer shall Sell or Lend his Seals or Stamps, or suffer the same to be Used by any other Person whatsoever, such Lapper or

Packer so Offending shall, for every such Offence, Forfeit the Sum of Five Pounds, to be Recovered by any Person who shall Sue for the same by Civil Bill, in like Manner as is herein before Directed.

And for the more Effectual of Frauds Committed by Weavers; Be it Enacted by the Authority aforesaid, That from and after the said First Day of May, One thousand seven hundred and thirty six, If any Weaver shall Imbezel, or Convert to his own Use, any Flaxen or Hempen Yarn, Delivered, or that shall be Delivered to him to be Woven, such Weaver, over and above the Penalty inflicted on such Offences, by the said recited Act, Made in the Second Year of the Reign of His late Majesty King George the First, being lawfully Convicted of such Offence, in the Manner Directed and Appointed by the said recited Act, shall, for the First Offence, Forfeit and Pay to the Party Aggrieved, the Sum of Forty Shillings, or suffer Three Months Imprisonment, at the Discretion of the Magistrate before whom he shall be Convicted; And for the Second, and every other Offence, shall, upon Conviction in like Manner, Forfeit and Pay the Sum of Three Pounds, or suffer Six Months Imprisonment.

And for the better Execution of the Laws relating to the Hempen and Flax-

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en Manufactures; Be it Enacted by the Authority aforesaid, That from and after the said First Day of May, One thousand seven hundred and thirty six, the said Trustees, or the Major Part of them, that shall be present at any of their Meetings, such Majority not being less than Three in Number, shall have such like Powers within the County of the City of Dublin, and County of Dublin, as are given to Justices of the Peace and Chief Magistrates, within their respective Jurisdictions, by this and the several other Acts that have been Made in this Kingdom, for Encouraging the Hempen and Flaxen Manufactures, in Relation to the Administring of Oaths, and Hearing and Determining Offences, concerning the Hempen or Flaxen Manufactures, and the Inflicting of Punishments, and Levying Penalties and Forfeitures for such Offences.

And Whereas Rubbing-Boards, that have Rough or Indented Surfaces, are found very Prejudicial in Bleaching, by Fretting and Wearing the Cloths. For Remedy thereof; Be it Enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and thirty six, If any Bleacher of Linen-Cloths, shall Use or suffer to be Used, by any of his Servants or Workmen, any such Rubbing-Board as aforesaid, in Washing or

Rubbing his Cloths, such Bleacher shall, for every such Offence, Forfeit the Sum of Ten Pounds to the Informer, on Proof thereof made before any Justice of the Peace or Chief Magistrate, within their respective Jurisdictions, by the Oath of one or more Credible Witness or Witnesses, which Oath every such Justice of the Peace and Chief Magistrate, are hereby Impowered to Administer; And they are also hereby Impowered to Hear, and finally to Determine such Offences, the said Penalty, together with One Shilling to the Constable who shall Execute the Warrant, to be Levied by Warrant of such Justice of the Peace or Chief Magistrate, by Distress and Sale of the Offender's Goods; And the finding of any such Rubbing-Board, in any Buck-House or Bleach-Yard, shall be sufficient Evidence, that the Owner of such Buck-House or Bleach-Yard, used such Rubbing-Board as aforesaid.

Provided allways, That if any Person shall think himself Aggrieved by any such Determination of such Justice or Chief Magistrate, he may Appeal to the Justices of the Peace at their next Quarter-Sessions, to be Held for the said County where the Offence was Committed, who are hereby Impowered, finally to Hear and Determine such Appeal.

AN

AN

ACT

For the more Effectual

Aſſigning of JUDGMENTS;

AND

For the more ſpeedy Recovery of Rents, by Diſtreſs.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXV.

AN

ACT

FOR

The more Effectual Aſſigning of Judgments, and for the more Speedy Recovery of Rents by Diſtreſs.

CHAP. V.

WHEREAS Judgments, Statutes-Staple and Statutes-Merchants, are frequently Aſſigned for Valuable Conſiderations, and to Protect the Purchaſe of Eſtates, but are no more than Equitable Securities in the Hands of the Aſſignees: And whereas Aſſignees of ſuch Judgments, Statutes-Staple or Statutes-Merchants, as the Law now ſtands, cannot Revive or Diſcharge the ſame in their own Names, but in the Name of the Conuſees of ſuch Judgments, Statutes-Staple or Statutes-Merchants, or their Repreſentatives, which is often at-

tended with very great Inconvenienties, and the Conulee may, after such Assignment, enter Satisfaction on the Record of the said Judgments, Statutes-Staple or Statute-Merchant, without the Knowledge or Consent of the Assignee; For Remedy whereof;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the First Day of next Easter-Term, where any Conulee or Conulees of a Judgment or Judgments, Statute-Staple or Statute-Merchant, his, her or their Executors or Administrators, shall assign the same to any Person or Persons whatsoever, such Conulee or Conulees, his, her, or their Executors or Administrators shall also perfect a Memorial of such Assignment under his, her, or their hand, and Seal upon Parchment or Vellum, Attested by Two or more credible Witnesses, which Memorial shall contain the Name or Names, and Addition of the Person or Persons Assigning such Judgment or Judgemnts, Statute-Staple or Statute-Merchant, the Name or Names of the Person or Persons to whom the same shall be Assigned, and the Sum or Sums of Money mentioned in such Assignment or Assignments to be remaining Due and Unsatisfied upon such Judg-

Judgment or Judgments, Statute-Staple or Statute-Merchant, with the Day and Year when such Assignment or Assignments is, are, was or were perfected, and that One of the Witnesses to such Memorial, who shall be a Witness to the Assignment of such Judgment or Judgments, Statute-Staple or Statute-Merchant, shall Make an Affidavit at the Foot of such Memorial, of the True Perfection of such Assignment and Memorial, before the respective Officer or Officers where such Judgment or Judgments, Statute-Staple or Statute-Merchant, is, are or shall be Entered, his or their Legal Deputy or Deputies, or before any one of the Judges of the Four-Courts in Dublin, or before any one of the Judges of his Majesty's Courts at Westminster, who are respectively hereby Impowered to take such Affidavit or Affidavits, which Memorial and Affidavit, shall be Lodged in the proper Office where such Judgment or Judgments, Statute-Staple or Statute-Merchant, is, are or shall be Entered; And the several Officers of the said Courts, are hereby Required, to Enter such Memorial of such Assignment, Statute-Staple or Statute-Merchant, in a Roll or Rolls of Parchment or Vellum, to be kept for that Purpose, in such respective Office or Offices, where such Judgment or Judgments, Statute-Staple or Statute-Merchant, is, are or

shall be Entered; And such Officer or Officers, is and are hereby Required, to Indorse on such Assignment or Assignments, the Day of the Month, and Year, and Hour of the Day, whereon such Memorial or Memorials was or were so Lodged and Proved; And for the more Easy and Speedy Method of finding such Assignment or Assignments, such respective Officer or Officers, shall Enter the Number and Roll, where such Assignment or Assignments, is or are Registred, at the Foot of each respective Judgment or Judgments, Statute-Staple or Statute-Merchant so Assigned; For all which Indorsements, Entries and Affidavits upon each respective Memorial, the Sum of Six Shillings and Eight Pence shall be Paid, and no more.

And be it further Enacted by the Authority aforesaid, That from and after such Time, as such Memorial or Memorials, of such Assignment or Assignments, shall be Entered on such Roll as aforesaid, it shall and may be Lawful, for the Assignee or Assignees, of such Judgment or Judgments, Statute-Staple or Statute-Merchant, his, her or their Executors, Administrators or Assigns, and for no other Person or Persons whatsoever, to Revive such Judgment or Judgments, Statute-Staple or Statute-Merchant, from Time to Time, in his, her

her or their own Name or Names, and take out one or more Execution or Executions on the same, in the Name or Names, of such Assignee or Assignees, his, her or their Executors or Administrators, and to Sue forth Execution or Executions thereon, Reciting the Special Matter, and also to Discharge or Release the same; And also, in his, her or their own Name or Names, to Enter Satisfaction on the Record of such Judgment or Judgments, Statute-Staple or Statute-Merchant, in as Full and Ample Manner, to all Intents and Purposes, as if the Conusee or Conusees, of such Judgment or Judgments, Statute-Staple or Statute-Merchant, his, her or their Executors or Administrators, Could or Might do, and that the Conusor or Conusors, of such Judgment or Judgments, Statute-Staple or Statute-Merchant, his, her or their Executors, Administrators or Assigns, may, upon Payment to such Assignee or Assignees, Plead Payment, Specially to such Assignee or Assignees; And that such Assignee or Assignees, their Executors or Administrators, may, from Time to Time, Assign the same over in Manner aforesaid; And such Assignment or Assignments, shall be Proved and Registred in the respective Offices, in Manner as aforesaid; And such Assignee or Assignees, may Revive and Sue out Exe-

cution or Executions, in their own Name or Names, and Discharge and Acknowledge Satisfaction on such Judgment or Judgments, Statute-Staple or Statute-Merchant, in Manner aforesaid; Any Law, Usage or Custom to the Contrary in any wise, notwithstanding.

Provided allways, That the Conusor or Conusors of such Judgment or Judgments, Statute-Staple or Statute-Merchant, his, her or their Heirs, Executors or Administrators, shall have the same Remedy and Defence, both in Law and Equity against the Assignee or Assignees of such Judgment or Judgments, Statute-Staple or Statute-Merchant or his, her or their Representatives, which he, she or they could or might have had against the Conusee or Conusees of the same, his, her or their Representatives, in Case no such Assignment or Assignments had been made.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Assignee or Assignees of any Judgment or Judgments, Statute-Staple or Statute-Merchant, already Assigned, his, her or their Executors or Administrators, to Perfect such Memorial in Manner as aforesaid, and to have the same Entered, and to Revive and Sue out Execution or Executions, and to Acknowledge Satisfaction in his, her or their Name or Names,

and Allign such Judgment or Judgments, Statute-Staple or Statute-Merchant, in Manner aforesaid.

And whereas the Remedy for Recovering Arrears of Rent, by Taking a Distress upon the Lands Chargeable therewith, is Tedious and Difficult, by Reason of the Avowant being Obliged in his Avowry, to deduce the Title to the Lands, from him who was Seized in Fee, and to Produce Deeds that no Way belong to him: For Remedy whereof for the Future; Be it Enacted by the Authority aforesaid, That from and after the last Day of Easter-Term next, where any Distress or Distresses shall be Taken by any Landlord or Landlords, Lessor or Lessors, for any Arrears of Rent then Due, or that shall thereafter become Due upon any Leale or Leales, for Lives or Years, or upon any Contract or Writing, Purporting a Demise of any Lands, Tenements or Hereditaments within this Kingdom, whereon any Rent has been Paid by the Tenant, who shall be in Possession of the Land at the Time of such Distress Taken, or by any Person under whom such Tenant Claims, where the Title to the Lands is not in Question, and a Replevin is Taken or Issued for such Distress or Distresses; It shall and may be Lawful for any Avowant, in his Avowry, to Set forth only that he was Seized or Possessed,

without Setting forth the Commencement of his Estate, or Deduting a Title from the Person under whom he Derives his Interest, or that such Person was Seized in Fee of the said Lands, Tenements and Hereditaments, and that the want thereof, shall not be any Cause of Demurrer to such Avowry; Any Law, Statute or Custom to the contrary notwithstanding.

And whereas it has frequently happened, That Purchasers for Valuable Considerations under Deeds of Lease and Release, have been Prevented from Recovering their Rights, for want of being able to Produce the Lease for a Year, which is often Lost or Mislaid; Be it Enacted by the Authority aforesaid, That in all Cases, the Recital of a Lease for a Year in the Deed of Release, shall be Deemed and Taken to be Full and Sufficient Evidence of such Lease.

Provided allways, That this Act shall be, and Continue in Force until the First Day of May, which shall be in the Year of our Lord, One thousand seven hundred and forty, and to the End of the then next Session of Parliament, and no longer.

AN

AN

ACT

FOR

Continuing and Amending

SEVERAL

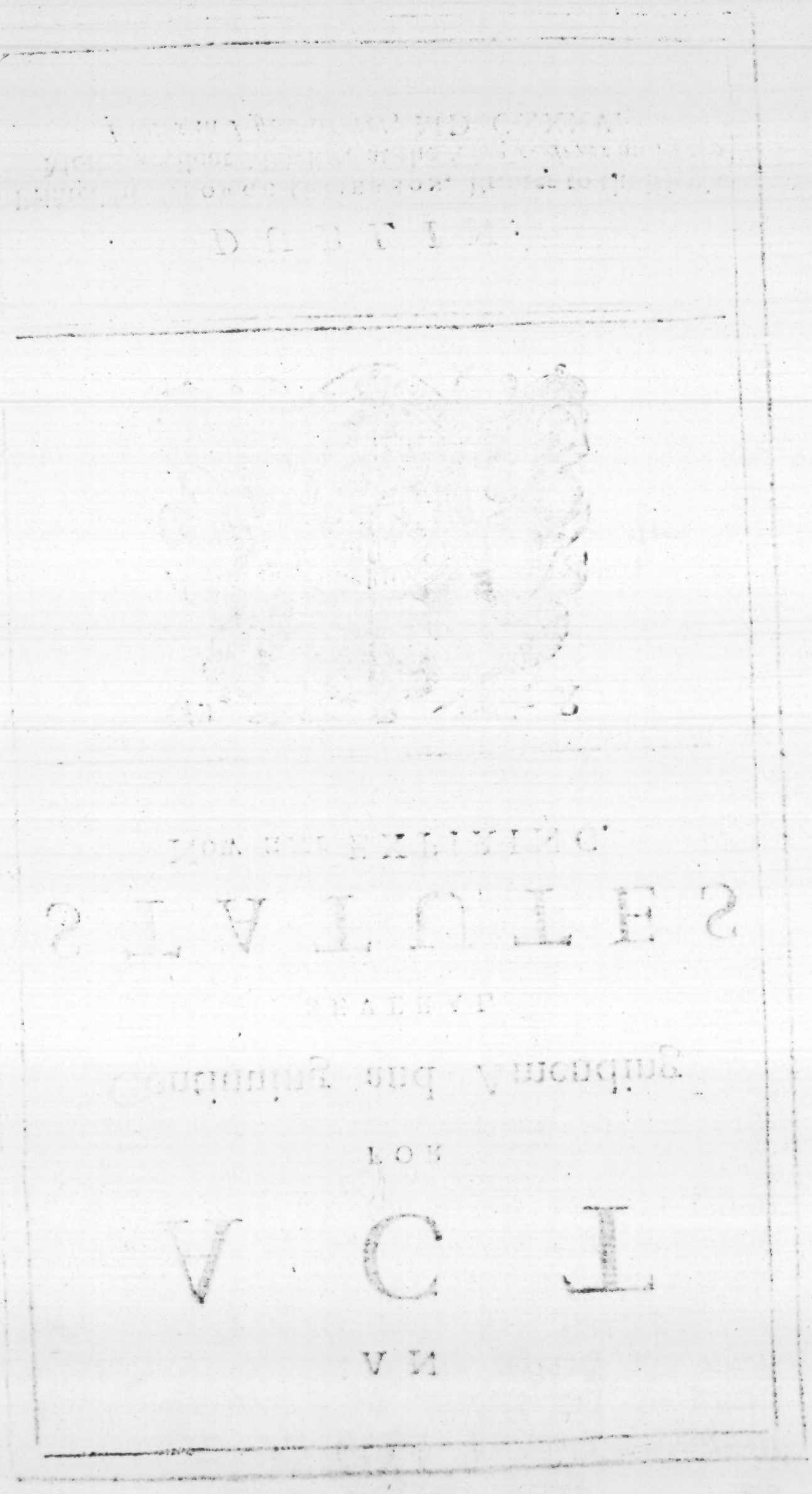
STATUTES

Now near EXPIRING.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXV.



AN

ACT

FOR

Continuing and Amending ſeveral Statutes now near Expiring.

CHAP. VI.

WHEREAS the Several Temporary Laws and Statutes, hereinafter Mentioned, are found by Experience, to be of General Uſe, and fit to be Continued, but are now near Expiring; Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Preſent Parliament Aſſembled, and by the Authority of the Same, That One Act of Parliament Made in this Kingdom, in the Seventh Year of the Reign of His late Ma-

jeſty King William the Third, Intituled, An Act for the better Suppreſſing Tories, Robbers and Rapparees, and for Preventing Robberies, Burglaries and other Heinous Crimes; And alſo one other Act, Made in the Ninth Year of the Reign of His ſaid late Majeſty King William the Third, Intituled, An Act to Supply the Defects, and for the better Execution of an Act Paſſed this preſent Seſſion of Parliament, Intituled, *An Act for the bettter Suppreſſing Tories and Rapparees, and for Preventing Robberies, Burglaries, and other Heinous Crimes*; And alſo one other Act, Made in this Kingdom, in the Sixth Year of the Reign of Her late Majeſty Queen Anne, Intituled, An Act for Explaining and Amending Two Several Acts, againſt Tories, Robbbers and Rapparees; And alſo, ſo much of one other Act, Made in this Kingdom, in the Fourth Year of the Reign of His late Majeſty King George the Firſt, Intituled, An Act for Reviving, Continuing and Amending, Several Statutes Made in this Kingdom, heretofore Temporary, as Relates to the Apprehending and Killing Proclaimed Tories or Robbers; So far as the ſaid Acts, or any of them, are not Altered or Changed, by an Act Made in the Sixth Year of His late Majeſty King George the Firſt, Intituled, An Act for the Better and more Effectual Apprehending and Tranſporting of Felons and others, and for Continuing and Amending Several Laws Made in this Kingdom, for

for Suppreſſing Tories, Robbers and Rapparees; **And alſo one other Act, Made in the Eighth Year of the Reign of His ſaid late Majeſty King** George **the Firſt, Intituled,** An Act for Amending an Act, Intituled, *An Act for the Better and More Effectual Apprehending and Tranſporting Felons and others, and for Continuing and Amending, Several Laws Made in this Kingdom, for Suppreſſing Tories, Robbers and Rapparees; and alſo to Prevent the Liſting of His Majeſty's Subjects to Serve as Soldiers in Foreign Service, without His Majeſty's Licence*; **As alſo, ſo much of one other Act, Made in the Third Year of the Reign of His Preſent Majeſty, Intituled,** An Act for the more Effectual Preventing and Further Puniſhment, of Forgery, Perjury, and Subornation of Perjury, and to Make it Felony to Steal Bonds, Notes or other Securities for Payment of Money; and for the more Effectual Tranſporting Felons, Vagabonds and Others, **as Relates to the Tranſporting Felons, Vagabonds and Others; And all and every the Powers, Proviſoes and Penalties, therein reſpectively Contained, with the Alterations and Additions Made in and by this Act, ſhall Continue, and be in full Force and Effect, until the Twenty fifth Day of** March, **which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and fifty ſeven, and from thence to the End of the then next Seſſion of Parliament.**

And whereas in and by the aforesaid Act made in the Sixth Year of the Reign of Her late Majesty Queen Anne, it is Enacted, That upon the Presentment of the Grand-Juries at the Assizes, or at the General Quarter-Sessions of the Peace, of the respective Counties of this Kingdom, of any Loose and Idle Vagrants, or of such as will not Work and Betake themselves to an honest Livelihood, or of Loose Persons of Infamous Lives and Characters, such Person or Persons so Presented, were to be sent to Goal, and there to remain without Bail or Mainprize, until they were sent on Board Her Majesty's Fleet, or to some of Her Majesty's Plantations in *America*, unless they gave sufficient Security to be of the Good Behaviour, Which Power given to the Grand-Juries at the General Quarter-Sessions held for the several Counties of this Kingdom, hath been found to be inconvenient.

And whereas there are great Numbers of Loose, Idle Vagrants, and of Loose Persons of Infamous Lives and Characters, in the County of the City of Dublin, and County of Dublin, to the Disturbance of the Peace, and Annoyance of the said Counties; For Remedy thereof,

Be it Enacted by the Authority aforesaid, That from and after the Tenth Day of May, One thousand seven hundred and thirty six, all Loose, Idle Vagrants and such as will not Work and betake themselves to an Honest Livelihood, and all Loose Persons of Infamous Lives and Cha-

Characters, upon the Presentment of the Grand-juries at his Majesty's Court of King's-Bench, or the Grand-juries at the Sessions of Oyer and Terminer and Goal-Delivery, Held in the King's Courts after Term, for the County of the City of Dublin, or County of Dublin, who are hereby respectively Impowered to make such Presentments, shall by Order of the said Courts, or upon Warrants from any of the Judges of the said Court of King's-Bench, or Justices of the said Courts of Oyer and Terminer and Goal-Delivery, or any of them, or of any Justice of the Peace of the County where such Presentment is made, be committed to the County Goal, and there remain without Bail or Mainprize, until such Person or Persons shall be sent on Board His Majesty's Fleet, or to some of His Majesty's Plantations in America; And the Judges or Justices of such Courts respectively are hereby Authorized to send such Persons to His Majesty's said Plantations, for any Term not exceeding Seven Years, unless they give sufficient Security, by Recognizance to be of Good Behaviour, before the Judges or Justices of such Courts respectively, or before such Justice or Justices of the Peace of the same County where such Presentment is made, and within such Time as they the said Judges or Justices, by Order of the said Courts, made upon such Presentment, shall Nominate, Direct and

Appoint; And in Case such Person or Persons so Committed to Goal shall Break Goal, or be at Large in any Part of this Kingdom, or shall Return from Transportation, before the Expiration of the Term they are respectively Ordered to be Transported for, such Person or Persons shall Suffer and be Subject and Liable to the same Punishments and Penalties as Vagabonds Ordered to be Transported at the Assizes are now Subject and Liable to by the Laws now in Force in this Kingdom, and shall be Triable in the like Manner.

And be it further Enacted by the Authority aforesaid, That from and after the said Tenth Day of May, One thousand seven hundred and thirty six, it shall not be Lawful for the Grand-Jury, at any General Quarter-Sessions of the Peace, to be Held for any County in this Kingdom (the County of the City of Dublin, and County of Dublin, Excepted) to Make any such Presentments; But that all Presentments Made by such Grand-Juries (Except as before Excepted) and all Orders and Warrants Grounded thereon, shall be Void, and of no Force; Any Law to the Contrary notwithstanding.

And whereas a Doubt hath been Conceived, Whether Persons, so Presented by any Grand-Jury, can be Admitted to Traverse such Presentments:

Be it Enacted and Declared by the Authority aforesaid, That it shall and may be Lawful to and for every Person or Persons, so Presented by any Grand-Jury, at the King's Bench, the Assizes, Sessions of Oyer and Terminer, and Goal-Delivery aforesaid, and General Quarter-Sessions of the Peace for the County of the City of Dublin, and County of Dublin, to Traverse such Presentment, if he, she or they shall think Fit; Which Traverse, shall be Tryed and Determined the same Term, Assizes, Sessions of Oyer and Terminer, and Goal-Delivery, and General Quarter-Sessions of the Peace, in and for the County of the City of Dublin, or County of Dublin, in which such Presentments are respectively Made, in Case the Persons so Presented are then in Custody, in the Goal of the said County, or at the next Ensuing Term, Assizes, Sessions of Oyer and Terminer, and Goal-Delivery, or General Quarter-Sessions of the Peace for the Counties aforesaid, According to the Direction of the Judge or Justices before whom such Presentment shall be Made; And in the mean Time, such Person so Presented and Traversing, shall Continue in Goal without Bail or Mainprize, unless he or she shall give Sufficient Security by Recognizance, to be of good Behaviour before such Judge, Justice or Justices as shall be for that Purpose

Appointed by Order of the Court, where such Presentment is Made; And in Case the Person or Persons so Presented, shall be at Large at the Time of such Presentment, the Court shall Award Process to Issue against him, her or them, and if they or any of them shall be Apprehended and Taken upon such Process, or by Warrant from any Justice of the Peace of the County, where such Person or Persons shall be so Presented, such Person or Persons so Apprehended shall be forthwith Committed to Goal, there to Remain without Bail or Mainprize, till the next Term, Assizes, Sessions of Oyer and Terminer, and Goal-Delivery, or Quarterly Sessions of the Peace, for the County of the City of Dublin or County of Dublin, unless such Person or Persons so Taken shall give sufficient Security by Recognizance, to be of good Behaviour before such Justice or Justices of the Peace, as the Court at the Time of Awarding Process against him, her or them shall Nominate and Appoint for that Purpose, and not otherwise; And in Case such Person or Persons so Presented and Apprehended as aforesaid, at the next Term, Assizes, Sessions of Oyer and Terminer, and Goal-Delivery, or General Quarter-Sessions of the Peace, for the County of the City of Dublin, or County of Dublin, shall be Found in Goal, and cannot then give Sufficient Security to be of the good

Behaviour, or in Case of a Traverse, such Traverse shall be found against him, her or them, that then such Person or Persons shall be Sent on Board His Majesty's Fleet, or be Transported to some of his Majesty's Plantations in America.

And whereas, Papists in this Kingdom, have allways in a Time of War with any Popish State or Prince, Kept Private Intelligence with them and other Enemies of this Kingdom, by Means whereof, several Parts of the Sea-Coasts have been Infested, and often Insulted by Privateers, chiefly Manned by Irish Papists, who have Robbed several of His Majesty's Faithful Subjects of all their Substance, by the Contrivance of other their Popish Friends in this Kingdom; For preventing thereof; Be it Enacted by the Authority aforesaid, That all such Robberies to be Committed during the Time of such War as aforesaid, and Losses Sustained thereby, by any Person or Persons, shall and may be Presented at the next General Assizes, for the County where such Robbery shall be Committed, by the Grand-Jury of such County, after due Notice Given thereof according to the Laws already in Being, in Cases where Persons are Robbed; And after such Presentment made, such Orders shall be made at such Assizes for the Relief of such Person so Robbed by Privateers as aforesaid, and for the Reimbur-

ſing them ſuch Loſſes, as they ſhall reſpectively Sustain thereby, and for Apportioning and Levying the ſame, on the Lands, Tenements and Hereditaments, Goods and Chattels of all the Popiſh Inhabitants of the County, where ſuch Robbery ſhall be Committed, in the ſame Manner as Money is to be Levied for Robberies by Tories, Robbers or Rapparees, who are Papiſts, by any Law now in Being.

And be it further Enacted by the Authority aforeſaid, That one Act made in this Kingdom, in the Fifth Year of the Reign of his preſent Majeſty, Intituled, An Act for the better Regulation and Government of Seamen in the Merchants Service, be and is hereby further Continued to the Twenty Fifth Day of March, in the Year One thouſand ſeven hundred forty and three, and from thence to the End of the then next Seſſion of Parliament.

And whereas by the laſt Mentioned Act, it is Enacted, That all Seamen leaving their reſpective Ships, at their Hiring Port in this Kingdom, ſhall Forfeit one Month's Pay to be Paid to the *Blew-Coat Hoſpital*: Whereupon a Doubt hath been Conceived, whether any ſuch Perſon or Perſons ſo Abſenting themſelves from ſuch Ship without Leave, ſhould Incur the above mentioned Forfeiture:

Be it Enacted by the Authority aforesaid, That all Seamen Leaving or Absenting themselves, from their respective Ships without Leave from the Merchant, Master, or Owner of such Ship, shall Incur the Penalties and Forfeitures in the said Act Mentioned, to be Levied and Applied as therein is Directed.

And be it likewise further Enacted by the Authority aforesaid, That such parts of an Act of Parliament made in this Kingdom, in the First Year of His Majesty's Reign, Intituled, An Act for the more effectual Preventing several Frauds and Abuses committed in His Majesty's Customs and Excise, and for Settling the Rates of certain Goods and Merchandizes, not particularly Valued in the Book of Rates; **And such parts of one other Act made in this Kingdom in the Fifth Year of Your Majesty's Reign, Intituled,** An Act for the better securing and Collecting His Majesty's Revenue, **as are not Altered or Repealed by an Act of Parliament made in the Third Year of Your Majesty's Reign, Intituled,** An Act for the Encouragement of Tillage, and better Employment of the Poor; And also, for the more Effectual putting in Execution, an Act, Intituled, *An Act to Encourage the Draining and Improving of Boggs, and Unprofitable Low-Grounds, and for Easing and Dispatching the Inland Carriage, and*

Conveyance of Goods from one Part to another within this Kingdom; And alſo, for laying ſeveral Duties upon Coaches, Berlins, Chariots, Calaſhes, Chaiſes and Chairs, and upon Cards and Dice, and upon Wrought and Manufactured Gold and Silver Plate, Imported into or made in *Ireland*, for the Purpoſes therein Mentioned; And alſo, for Repealing the Duties Payable upon the Exportation of Wooll, Bay-Yarn, and Woollen-Yarn out of this Kingdom for *England*: **Or by an Act made in the Seventh Year of Your Majeſty's Reign, Intituled,** An Act for Continuing and Amending an Act, Intituled, *An Act for the more effectual Preventing ſeveral Frauds and Abuſes Committed in His Majeſty's Cuſtoms and Exciſe; And for Settling the Rates of certain Goods and Merchandizes, not particularly valued in the Book of Rates:* And for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majeſty's Revenue, and alſo for Preventing Frauds in the Collection thereof*; **Shall Continue in full Force until the Twenty Fifth Day of** March, **in the Year One thouſand ſeven hundred and thirty ſeven, and from thence to the End of the then next Seſſion of Parliament.**

And be it alſo Enacted by the Authority aforeſaid, That an Act of Parliament made in this Kingdom the laſt Seſſion of Parliament, Intituled, An Act for Continued and Amending an Act, Intituled, *An Act for*

for the more Effectual Preventing ſeveral Frauds and Abuſes, Committed in His Majeſty's Cuſtoms and Exciſe; And for Settling the Rates of certain Goods and Merchandizes, not particularly Valued in the Book of Rates: And for Continuing and Amending an Act, Intituled, *An Act for the better Securing and Collecting His Majeſty's Revenue; And alſo, for Preventing Frauds in the Collection thereof;* **Shall Continue in full Force until the Twenty Fifth Day of** March, **in the Year One thouſand ſeven hundred thirty and ſeven, and from thence to the End of the then next Seſſion of Parliament.**

And Whereas by an Act of Parliament, Made in the Sixth Year of the Reign of His Majeſty King George **the Firſt, Intituled,** An Act for the more Effectual Preventing the Running of Goods, and for the further Preventing Frauds Committed in His Majeſty's Cuſtoms; **It is (amongſt other Things therein Contained) Enacted,** That where any Goods Exciſeable, ſhall be Unſhipped and Landed, out of Small Boats and Veſſels, under the Burden of Fifteen Tuns, not being in Leak or Wreck, before due Entry of ſuch Boats or Small Veſſels, and of the ſaid Goods, at the *Cuſtom-Houſe* or Place Allowed for Landing, where ſuch Boat or Small Veſſel ſhall happen to Unload, or at Unlawful Hours, or without the Knowledge, Privity or Conſent of the Proper Officer or Officers, which ſhould

have Attended the Unlading of ſuch Goods, all ſuch Boats and Small Veſſels ſhall be Forfeited; **And Whereas the ſaid Proviſion, is now totally Evaded, by Reaſon that the Boats and Veſſels Employed in the Running of Goods into this Kingdom, are above the Burthen of Fifteen Tuns; For Remedy thereof, Be it Enacted by the Authority aforeſaid, That where any Goods Exciſeable, ſhall be Unſhipped or Landed, out of any Veſſel or Boat, not Exceeding the Burthen of Twenty five Tuns, not being in Leak or Wreck, before due Entry Made of ſuch Veſſels, or Boats, and of all the ſaid Goods, at the** Cuſtom-Houſe **or Place Allowed for Landing, where ſuch Veſſel or Boat ſhall happen to Unſhip or Unlade, or at Unlawful Hours, or without the Knowledge, Privity and Conſent of the Proper Officer or Officers, who ſhould have Attended the Unlading of ſuch Goods; All ſuch Veſſels and Boats, together with their Tackle and Furniture, ſhall be Forfeited, which ſaid Forfeiture, may be Sued for and Recovered, in ſuch Manner and Form, as is Mentioned in an Act Made in the Fourteenth Year of the Reign of King** Charles **the Second, Intituled,** An Act for Settling the Exciſe and New Impoſt upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates therein Inſerted; **with like Remedy of**

and H R **Appeal;**

Appeal; Which Forfeitures, after neceſſary Charges firſt Deducted, ſhall be One Moiety thereof to the Uſe of His Majeſty, and the other Moiety to him or them that ſhall Seize or Sue for the ſame; Provided allways, that the ſaid laſt Mentioned Clauſe, ſhall Be and Remain in Force for the Term of Two Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

AN

ACT

FOR

Encouraging *the* Planting

OF

TIMBER TREES.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXV.

AN

ACT

FOR

Encouraging the Planting of Timber-Trees.

CHAP. VII.

WHEREAS Perſons Seized of Eſtates, for Life with Remainders over, have Often Improved their Eſtates by Planting of Timber-Trees; And whereas the Benefit of ſuch Improvements by the Laws now in Being, Deſcends intirely to the Perſon next in Reverſion or Remainder, without any Conſideration had for ſuch Improvement, to the Frequent Impoveriſhment of Younger Children, and Ruin of Creditors; And whereas Tenants in Tail, who have in their Life Time made ſuch Improvements, often Dye without Docking the Intail, by which Means the ſaid

Improvements Descend in the same Manner, as the Improvements made by Tenants for Life; And whereas many are hereby Greatly Discouraged from Planting Timber-Trees, to the Manifest Prejudice of the Kingdom; To Remedy therefore the said Mischiefs, and to Encourage Tenants for Life and in Tail, to Plant Timber-Trees,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the Authority of the same, That if any Person Seized of an Estate for Life, or in Tail, with a Remainder or Remainders over, shall, in his Life Time, Plant on his said Estate, Oak, Ash, Elm, Fir, or any other Timber Tree, in every such Case, the Executor or Executors, Administrator or Administrators, of such Tenant for Life, or Tenant in Tail, shall be Intitled to the Moiety of such Trees, except they shall be planted for Ornament or Shelter in any Avenue leading to the Mansion House, or in the Walks of any Garden belonging to the Mansion House of such Tenant for Life or Tenant in Tail, to be Recovered from the Person in Possession of the Estate, by Virtue of such Remainder, in Manner following, viz. the said Executors or Administrators shall, within one Year after the Death of the said

ſaid Tenant for Life or Tenant in Tail, take out of the High Court of Chancery a Writ of Inquiry, Directed to the Sheriff of the County where ſuch Trees Stand and Grow, for the Sealing of which Writ ſhall be paid one Shilling and no more, Impowering the ſaid Sheriff, within One and Twenty Days after the Receipt of the ſaid Writ, to Inquire by a Jury, having firſt given the Perſon in Poſſeſſion of the Eſtate by Virtue of ſuch Remainder, his or her Guardian or Guardians, if Reſiding within the ſaid County, Fifteen Days Notice previous to the Inquiry of the Time and Place of Holding ſuch Inquiry, or if they are not Reſiding within the County, ſuch Notice, as to the ſaid Court of Chancery, ſhall be thought Reaſonable according to the Circumſtances of the Caſe, into the full Value of ſuch Treees ſo Planted, which Value, when ſo Aſcertained, ſhall be Signed by the Sheriff and Jurors, and Returned into the High-Court of Chancery, the Firſt Day of the then next Term; For which Inquiry and Return, the Sheriff ſhall Receive Thirteen Shillings and Four Pence, and no more; And the Lord Chancellor ſhall and may, at any Time within the ſaid Term, upon Prayer or Motion of the Perſon or Perſons, Intitled to the Benefit of the ſaid Inquiry, or of the Perſon in Poſſeſſion of the Eſtate, by Virtue of ſuch Remainder, by his or their Council, and upon Proof

of any Fraud or Corruption, in the said Sheriff or Jurors, in Holding the said Inquiry, Grant a New Inquiry to be Held within the same Time, in the same Manner, and at the same Charge as the former Inquiry; But if no Complaint of such Sort shall be Made, or if Complaint shall be Made, and be Disallowed by the Court, or if after Complaint Made, another Inquiry shall be so Held and Certified into Chancery, in Manner as before Directed, the Person or Persons so Intitled to the Benefit of the said Inquiry, shall give Notice to the Person in Possession of the Estate, by Virtue of such Remainder, Fifteen Days at the least, before he shall Move for a Decree for a Moiety of the Value of the said Trees so Certified as aforesaid, and shall make a Motion by his, her or their Council, in the High-Court of Chancery, and the Lord High-Chancellor, Lord Keeper or Commissioners of the Great Seal, shall, on such Motion, Decree to the said Executor or Executors, Administrator or Administrators, One Moiety of the Value so Returned on the Inquiry, which Decree when Inrolled (for the Inrollment of which, and Making out of a Copy of the said Inrollment, which Copy shall be taken as Evidence in any Court in any Case Concerning the said Moiety, shall be paid Two Shillings and Six pence and no more)

more) shall, from the Day of such Inrollment, Charge the said Estate so Descended, as a Judgment in any of His Majesty's Courts, does now Charge an Estate in Fee-Simple, and shall bear Legal Interest, from the Time of the said Inrollment; And the said Moiety so Decreed, shall be Assetts in the Hands of the said Executor or Executors, Administrator or Administrators, to be Applied, and be under such Rules of Law, as the other Personal Assetts of the said Tenant for Life, or Tenant in Tail.

Provided Nevertheless, That if the Person in Possession of the said Estate, by Virtue of such Remainder, shall Chuse to give the One Moiety of the said Trees to the said Executor or Executors, Administrator or Administrators, in Kind, then the said Executor or Executors, Administrator or Administrators, shall be Obliged to Accept of the said Moiety in Kind, he and they having free Ingress, Egress and Regress, for a reasonable Time, to Cut and Carry away the said Trees.

Provided also, That if any Person in Possession of any Estate, by Virtue of such Remainder, shall Cut or Carry away, or Suffer to be Cut or Carried away, any Trees so Planted, between the Death of such Tenant for Life or Tenant in Tail, and such Inquiry Held;

Then the said Executor or Executors, Administrator or Administrators, shall be Intitled to, and shall have a Decree for the full Value of such Trees, so Cut and Carried away, or suffered to be Cut and Carried away.

AN ACT TO

Prevent the Evil ariſing by the Retailers of Beer, Ale, Brandy, Rum, Geneva, Aquavitæ and other Spiritous Liquors, giving Credit to Servants, Day-Labourers and other Perſons, who uſually Work or Ply for Hire or Wages.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXV.

AN

ACT

TO

Prevent the Evil, Ariſing by the Retailers of Beer, Ale, Brandy, Rum, Geneva, Aquavitæ, and other Spirituous Liquors, Giving Credit to Servants, Day-Labourers, and other Perſons, who uſually Work or Ply for Hire or Wages.

CHAP. VIII.

WHEREAS Many Great Inconveniences have Ariſen, and do daily Ariſe from the Credit uſually Given by Retailers of Strong Beer, Ale, Brandy, Rum, Geneva, Aquavitee, and other Spirituous Liquors, to Servants, Day-Labourers, and other Perſons, who uſually Work or Ply for Hire or Wages, by Means of which Credit, Servants, Day-Labourers, and other Perſons, who uſually Work or Ply for Hire or Wages, are Induced and Tempted to Reſort too frequently to the Houſes or Shops of the Retailers of ſuch Liquors, where they often Drink to Excels, and

thereby frequently Run into Debt, and Lay themſelves under the Temptation of Purloyning their Maſters Goods, to Diſcharge ſuch Debts, and do further by that Means Deſtroy their Health, and Render themſelves Incapable of Diſcharging the Buſineſs of their reſpective Callings and Stations, and are often thrown into Goal, where they Lye in a Miſerable and Starving Condition, to the Ruin of themſelves and their Families, which Miſchiefs might be in a great Meaſure, if not wholly Prevented, if ſome Reſtraint was put upon the Credit uſually Given to the Perſons aforeſaid, for ſuch Liquors by the Retailers of the ſame: For Remedy thereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Preſent Parliament Aſſembled, and by the Authority of the ſame, That no Retailer of Strong-Beer, Ale, Brandy, Rum, Geneva, Aquavitee or other Spirituous Liquors, who ſhall from and after the First Day of May, which will be in the Year of our Lord, One thouſand ſeven hundred and thirty ſix, Sell upon Truſt or Credit, at any Time or Times, any Strong-Beer, Ale, Brandy, Geneva, Rum, Aquavitee, or other Spirituous Liquors, to any Servant or Day-Labourer, or to any other Perſon uſually Working or Ply-

plying for Hire or Wages, to the Amount or Value of any Sum of Money, exceeding the Sum of one Shilling, shall be Intitled or have any Remedy to Recover the same, either at Law or in Equity, against any of the Persons aforesaid, their Executors or Administrators, and all Promisory-Notes, Bonds or other Writings Obligatory, Given as a Security for the Payment of such Debts so Contracted, are hereby Declared Void and of no Effect.

And in Case any such Servant or Day-Labourer, or other Person or Persons, who usually Work or Ply for Hire or Wages, shall Leave any Pawn or Pledge of any Kind whatsoever, as a Security for the Payment of any Sum of Money, exceeding the Sum of One Shilling, Contracted in such Manner as aforesaid, such Servant or Day-Labourer, or any Person or Persons usually Working or Plying for Hire, may Complain to the Chief Magistrate of any City or Town Corporate, or to any Justice of the Peace of the County, County of a City, or County of a Town, where such Retailer of Beer, Ale, Brandy, Rum, Geneva, Aquavitee, or other Spirituous Liquors, usually Resides, that such Pledge or Pawn is Detained from him or her, by such Retailer of Beer, Ale, Brandy, Rum, Geneva, Aquavitee, or other Spirituous Liquors, and having

made Proof thereof upon Oath, it shall and may be Lawful to and for the aforesaid Chief Magistrate or Justice of the Peace, and he is hereby Impowered and Required by Warrant under his Hand and Seal to Compel such Retailer of Beer, Ale, Brandy, Rum, Geneva, Aquavitee or other Spirituous Liquors, by Distress and Sale of his Goods, to Restore the aforesaid Pledge or Pawn, to the Party Complaining, or to make him Satisfaction for the Loss or Abuse thereof; Any Law, Usage or Custom heretofore had in this Kingdom to the Contrary in any wise notwithstanding.

Provided allways, And be it Enacted by the Authority aforesaid, That this present Act shall Continue in Force for the Space of Seven Years, from the said First Day of May, One thousand seven hundred and thirty six, and from thence to the End of the then next Session of Parliament and no longer.

AN

AN

ACT

FOR

Better Aſcertaining the Gauge and Meaſure of Barrels and Half-Barrels, uſed by Brewers in Selling Beer, Ale and Small-Beer.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXV.

CHAP. IX.

AN

ACT

FOR

Better Aſcertaining the Gauge and Meaſure of Barrels and Half-Barrels, Uſed by Brewers in Selling Beer, Ale and Small-Beer.

CHAP. IX.

WHEREAS It is Neceſſary to Aſcertain the Gauge by which Brewers are to Sell their Beer and Ale; Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords

Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That from and after the First Day of August, One thousand seven hundred and thirty six, If any Publick Brewer, shall Sell or Expose to Sale, to any Person or Persons, any Beer, Ale or Small-Beer, in any Half-Barrel, in Gauge, under Twenty Gallons, each Gallon Containing Two Hundred and Seventeen Cubical Inches, and Six Tenths of an Inch; Or in any Whole Barrel, in Gauge, under Forty Gallons, each Gallon Containing Two hundred and seventeen Cubical Inches, and six Tenths of an Inch, or shall not Brand his, her or their Christian-Name and Sir-Name at Length, on the Head of each Barrel or Half-Barrel; Every such Publick Brewer, being thereof Convicted, either upon his own Confession, or by the Oath of One or more Credible Witness or Witnesses, before any Chief Magistrate or Justice of the Peace, of any Town Corporate or County where the said Offence shall be Committed, Which said Oath, the said Chief Magistrate and Justice of the Peace, are hereby respectively Impowered to Administer, shall Forfeit for every Barrel or Half-Barrel, under the Gauge, or not Branded as aforesaid, the Sum of Two Shillings and Six Pence, and such Barrel or Half-Barrel, shall be Burnt by

Order

Order of such Chief Magistrate or Justice of the Peace, before whom such Conviction shall be, and such Chief Magistrate or Justice of the Peace, shall and may, by Warrant under his or their Hands and Seals, Cause such Penalties as the Offenders are hereby Liable to, to be Levied by Distress and Sale of the Offenders Goods, and thereout in the first Place pay the said Penalty and Penalties to the Informer or Informers, and in the next Place, Render the Overplus, after Deduction of the reasonable Charges, not exceeding the Sum of Two Shillings of taking the Distress, to the Owner or Owners.

And be it further Enacted by the Authority aforesaid, That if any Cooper shall Sell to any Publick Brewer, any Barrel or Barrels, Half-Barrel or Half-Barrels, under the Gauges aforesaid, or shall not Brand his Christian Name and Sir-Name at length upon the Head of every such Barrel and Half-Barrel, every such Cooper shall, for every Barrel or Half-Barrel so Sold under the Gauge, or not Branded as aforesaid, Forfeit the Sum of Two Shillings and Six Pence, to be Recovered, Levied and Applied, as the Penalties and Forfeitures herein before mentioned, to be Incurred by the Brewers, are Directed to be Levied and Applied.

Provided allways, that no Person shall be Liable to, or Incur the Penalties Inflicted by this Act, unless Information be Given upon Oath before such Chief Magistrate or Justice of the Peace, within the Space of Six Days next after such Offence Committed.

Provided also, That nothing in this Act shall Extend, or be Construed to Extend, to Change or Alter the Method of Charging the Duty Payable to His Majesty, on Ale and Beer, but that the same shall Continue to be Charged, Levied and Paid as formerly; Any thing in this Act to the Contrary notwithstanding.

A N

AN ACT

For PREVENTING

Frauds *and* Abuſes

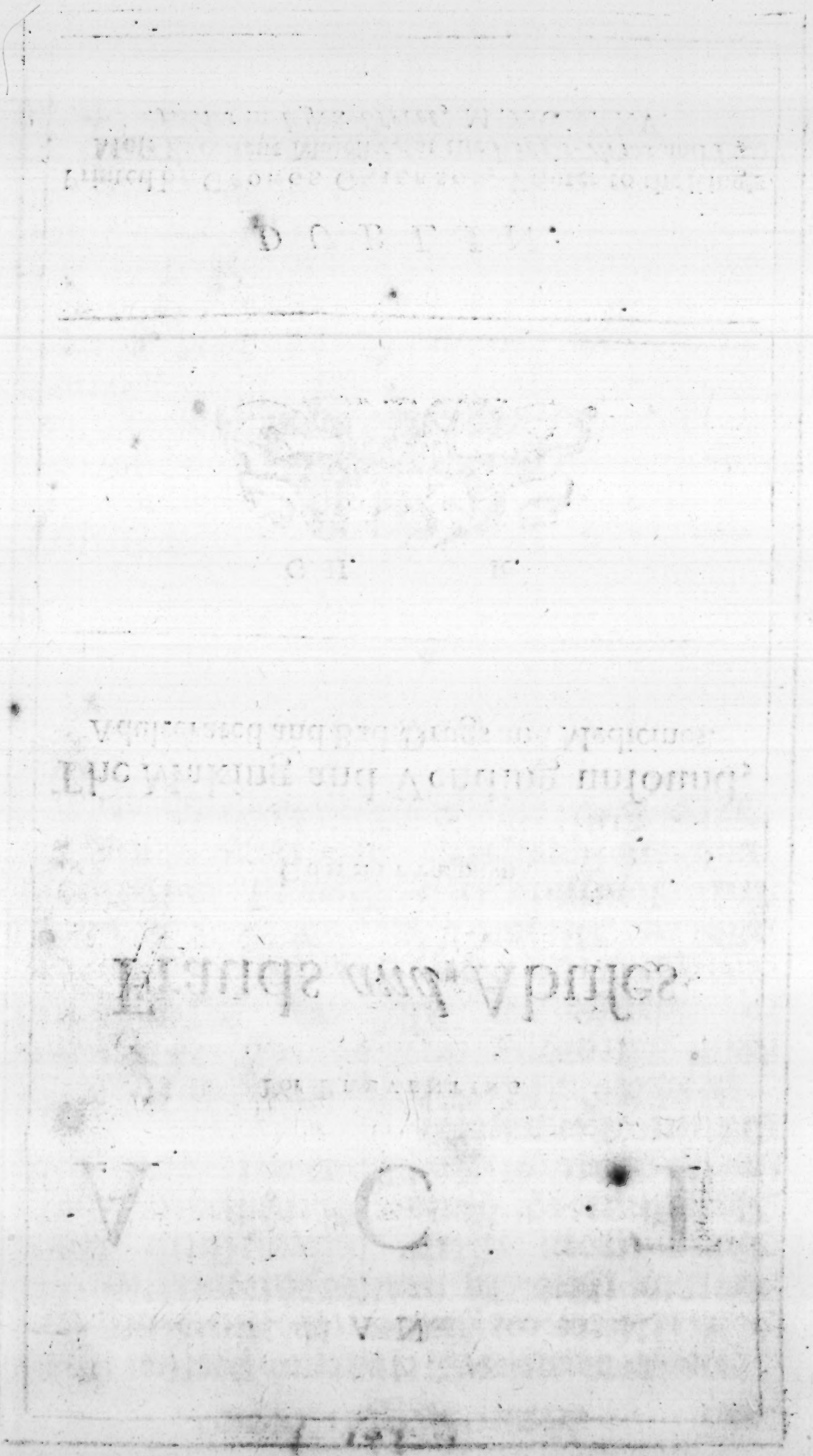
COMMITTED in

The Making and Vending unſound, Adulterated and Bad Drugs and Medicines.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXV.



AN

ACT

FOR

Preventing Frauds and Abuſes Committed in the Making and Vending Unſound, Adulterated and Bad Drugs and Medicines.

CHAP. X.

WHEREAS there are many Notorious Frauds and Abuſes in the Making and Vending Unſound, Adulterated and Bad Drugs, Medicines, Waters, Oils and Compoſitions, Uſed or to be Uſed for Medicines, within the City of Dublin, and Suburbs or Liberties thereof, which are of great Prejudice not only to the Inhabitants thereof, but to the Kingdom in General: And whereas no Remedy hath been hitherto Provided for the ſame,

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the First Day of May, which shall be in the Year of Our Lord, One thousand seven hundred and thirty six, the President, Censors and Fellows of the King and Queen's College of Physicians in Ireland, shall have full Power and Authority to Elect and Appoint Four of the Fellows or Members of their Body Yearly, to be Examiners of all Shops, Elaboratories, Ware or Store-Houses, Cellars, Vaults, Room or Rooms, or other Place or Places in the House or Houses of any Apothecaries, Chymists, Druggists, or of any other Person or Persons whatsoever, wherein any Kind of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, are Made, Exposed to Sale, or Kept for that Purpose; And that the said Four Examiners Elected and Appointed as aforesaid, shall and may Summon or Call to their Assistance any two Apothecaries of Good Repute, that do or shall hereafter Live within the City or Suburbs of Dublin; Which said Apothecaries shall Serve for One Year only, and shall not Serve again During the Continuance of this Act: And that any Two of the said Examiners,

Examiners, with One or Both of the said Assistant-Apothecaries, or if Both the said Apothecaries, so Called in, shall Refuse or Neglect Coming to, or Going with the said Examiners, then the said Examiners, by themselves, shall have Full Power and Authority, and are hereby Required, Four Times at least in the Year, or Oftner if they shall see Occasion, in the Day-Time, to Enter, Examine and Inspect into all and every Shop, Elaboratory, Ware or Store-House, Cellar, Vault, Room or Rooms, or other Place or Places in the House or Houses of all and every Apothecary, Chymist, Druggist, and of all and every other Person or Persons who now do Sell, Expose to Sale, or Keep for that Purpose, or hereafter shall Sell, Expose to Sale, or Keep for that Purpose, any Manner of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, and therein to Search for, View and Examine all Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines; And in Case the said Examiners, in such Search, shall Find any Drugs, Medicines, Waters, Oils or Compositions whatsoever, which they shall Judge to be Unsound, Adulterated or Defective, so as not to be Fit to be Used in Medicines for the Health of Man's Body, That all such Drugs, Medicines, Oils, Waters and Compositions so Discovered, shall and may be

forthwith Seized upon by the said Examiners, or the Beadle of the College of Physicians, or any other Person or Persons by the said Examiners for the Time being Appointed, and Burned, or otherwise Destroyed; Except all Drugs in the Houses or Ware-Houses of Merchants, or Importers, not Making or Keeping Medicines for Sale.

Provided nevertheless, And be it further Enacted by the Authority aforesaid, That in Case the said Examiners, or the Major Part of them, shall Condemn any Drugs or Medicines as Unfit to be Administred, or Used in Medicine for the Health of Man's Body, and that the Owner or Owners, Possessor or Possessors of such Drugs or Medicines, or, in his or their Absence, the Person having the Custody or Chief Care thereof, shall, before the Burning or Destroying thereof, Insist, That the same Ought not to be Burned or Destroyed, and shall forthwith, by Writing under his or their Hand or Hands, Appeal to, and Desire the Judgment of the President and Fellows of the said College of Physicians in Dublin, for the Time being, Thereupon, then, and in such Case, the said Examiners shall Cause the said Drugs or Medicines, so Seized, to be Weighed, and with the Boxes, Pots, Glasses, or other Vessels, Containing the same, and the Reasons, in Writing, for Condemning thereof, Subscribed

†

ſcribed by each of the ſaid Examiners Condemning the ſame, to be then and there put into a Box, and Sealed with the reſpective Seals of each of the ſaid Examiners, and the Seal of the Perſon or Perſons ſo Inſiſting, if ſuch Perſon or Perſons ſhall think Fit to put his or their Seal thereto; Which Box, ſo Sealed, the Examiners for the Time being, ſhall Commit to the Care and Cuſtody of the Beadle of the ſaid College of Phyſicians, where it ſhall Remain for any Time, not Exceeding Fourteen Days, within which Time, the Preſident of the College of Phyſicians ſhall Summon an Aſſembly or Meeting of the Cenſors, and other Fellows and Members of their College or Body, in the Uſual Manner of Summoning ſuch Meetings or Aſſemblies; Whereof the Owner or Poſſeſſor of the ſaid Condemned Drugs and Medicines ſhall have Four Days Notice in Writing, to be Given or Left to or for the Perſon or Perſons by or for whom ſuch Appeal was Made, at the Place where the Condemned Drugs or Medicines were Found, that he or they may Attend the ſaid Meeting, if he or they ſhall think Fit: And that the Preſident, Cenſors and Fellows ſo Aſſembled, ſhall have Power and Authority, being no Leſs in Number than Five, Excluſive of the ſaid Examiners, to Open ſuch Box, from Time to Time, in the Preſence of the

Perſon or Perſons by or for whom ſuch Appeal was Made, if he or they ſhall there Appear; And in Default of his or their Appearance (Due Notice being Given as aforeſaid) then, Without him or them; And to Proceed to Examine, and Finally Determine Concerning ſuch Drugs, Medicines, Waters, Oils and Compoſitions Contained therein; And if the ſaid Preſident and Aſſembly, being not Leſs in Number than as aforeſaid, or the Major Part thereof, do Confirm and Ratify the Judgment of the ſaid Examiners, Then the ſaid Examiners for the Time being, ſhall Cauſe all ſuch Drugs, Medicines, Waters, Oils and Compoſitions ſo Condemned, and the Veſſels Containing the ſame, to be Publickly Burned, or otherwiſe Deſtroyed, before the Doors of the Perſon or Perſons in whoſe Shop, Elaboratory, Ware-Houſe or Room the ſame were Found, in ſuch Manner, and at ſuch Time, as the ſaid Examiners for the Time being, ſhall think Fit, and Direct.

Provided allways, And be it further Enacted by the Authority aforeſaid, That if, or in Caſe the Drugs Seized by the ſaid Examiners, ſhall not be Condemned, within Fourteen Days, by the ſaid Aſſembly of Preſident, Cenſors and Fellows, or ſhall be Deemed Sound and Good, and Meet to be Adminiſtred as Medicines for the Health of Man's Body,

That

That then the said Drugs, Medicines, Oils, Waters and Compositions, shall be Immediately Returned to the Owner, together with the Boxes, Pots, Glasses or other Vessels wherein the same are Contained, Safe, and in Good Condition, without Waste, Loss, or other Damage whatsoever.

And be it further Enacted by the Authority aforesaid, That if any such Apothecary, or other Person or Persons, who shall, at any Time hereafter, Obstruct, or by any Means Hinder such Search, View or Examination, According to this Act, he or they shall, for every such Offence, Forfeit and Pay the Sum of Ten Pounds.

And in Order to Make the Intended Search more Easy to the Examiners:

Be it Enacted by the Authority aforesaid, That on or before the First Day of September, which shall be in the Year of Our Lord, One thousand seven hundred and thirty six, all and every Person or Persons Making, Selling, or Exposing to Sale, or Keeping for that Purpose, any Manner of Drugs, Medicines, Waters, Oils or Compositions, Used or to be Used for Medicines, or Professing, Following, Practicing or Exercising the Art or Mystery, Trade, Calling or Occupation of an Apothecary, Chymist or Druggist, within the City of Dublin or Liberties thereof, or within Seven Miles Circuit thereof, Shall be Obliged to Ap-

ply to the Register of the College of the said College of Physicians, in Order to have his Name, his particular Branch of the Art, Mystery or Trade aforesaid, Place of Abode, together with the Place of his Shop, Ware-house or Store-houses, Elaboratory, Registred in a Book, Kept by the Register of the said College of Physicians for that purpose, who shall be Intitled to the Sum of One Shilling, as a Fee for his said Trouble; Which said Persons and Places, so Registred, shall be Deemed and Accounted the Lawful Practicers and Stations of the Lawful Professors or Practicers of that Branch of the said Arts, Mysteries or Trades, for which they are respectively Registred, whether Apothecaries, Chymists or Druggists; And all such Persons as Neglect so to Register themselves, at or before the said First Day of September next, shall be Deemed and Accounted Unlawful Professors or Practicers of the said Art, Mystery, Trade or Calling, and be further Subject to the Penalty of the Sum of Five Pounds, for every Month that they shall respectively Practice, until they shall so Register themselves and their Places of Abode as aforesaid.

And for Preventing any Unqualified Persons Professing, Following, Practicing or Exercising the Art, Mystery, Trade, Calling or Occupation of an Apothecary, Chymist

Chymiſt or Druggiſt, in any of their Branches :

Be it Enacted by the Authority aforeſaid, That no Perſon or Perſons who ſhall not, before the Firſt Day of May, One thouſand ſeven hundred and thirty ſix, have Exerciſed the Trade or Myſtery of an Apothecary, Chymiſt or Druggiſt, ſhall, From and After the Commencement of this Act, within the City of Dublin or Liberties thereof, or within Seven Miles Circuit thereof, Profeſs, Follow, Practice or Occupy any Branch of the ſaid Art, Myſtery, Trade, Calling or Occupation of an Apothecary, Chymiſt or Druggiſt, until he or they have Served an Apprenticeſhip of Five Years at the leaſt, and ſhall have Lodged with the Regiſter of the ſaid College of Phyſicians, a Certificate from his Maſter ; Or in Caſe of his Maſter's Death or Refuſal, from Two others of the ſame Trade, of his having Served Five Years, and of his being Fit and Able to Exerciſe his Trade and Myſtery : And that any Perſon or Perſons, without ſuch Certificate ſo Lodged, Preſuming to Profeſs, Follow, Practice or Occupy the Art, Myſtery, Trade, Calling or Occupation of an Apothecary, Chymiſt or Druggiſt, within the City of Dublin or Liberties thereof, or within Seven Miles Circuit thereof, ſhall be Liable to the Penalty of the Sum of

Five Pounds for each Month he shall Use such Trade or Mystery.

And for the more Certain and Better Tryal and Examination of all Drugs, Medicines, Waters, Oils and Compositions, Used or to be Used for Medicines:

Be it Enacted by the Authority aforesaid, That each of the said Appointed Examiners, together with the Two Apothecaries Appointed as Assistants to the said Examiners, before they Take upon them the Execution of the Power Vested in them by this Act, shall, Severally, before the President and College of Physicians, be Obliged to Take the following Oath:

I *A. B.* do truly and sincerely Promise and Swear, That I will, to the Best of my Skill and Knowledge, without Hatred or Evil Will, Fear, Favour or Affection, Execute the Trust Reposed in me, by an Act, Intituled, *An Act for Preventing Frauds and Abuses Committed in Making and Vending Unsound, Adulterated and Bad Drugs and Medicines*:

So Help me God.

Provided always, And be it further Enacted by the Authority aforesaid, That Nothing in this Act Contained shall Extend, or be Construed to Extend, to Prejudice the Right, Title, Interest and Property, Granted to any Person or Persons,

sons, in and by any Letters Patent now in Force, for the Sole Making and Vending any Medicine or Medicines; Nor to Impower the said Examiners, or any of them, to Inspect into the Matter or Composition of any such Medicine or Medicines, or Destroy the same, During the Continuance of such Letters Patents; Any Thing in this Act Contained to the Contrary notwithstanding.

Provided also, And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time, be Sued or Prosecuted for Putting in Execution any Power or Authority Given by this Act, or any Part thereof, Such Person or Persons shall and may plead the General Issue, and Give this Act and the Special Matter in Evidence.

And be it further Enacted by the Authority aforesaid, That every Physician, Surgeon or other Person, who now doth or hereafter shall take upon him to Prescribe Medicines for the Health of Man's Body, within the City of Dublin, or within Seven Miles thereof, shall and are hereby Required to put his or their Name or Names to, or the Initial Letters of their Names respectively, to every Prescription or Recipe by them directed to be Administred, and shall also express the Quantity of all Drugs Prescribed by them respectively, in Words at Length, and

not in Marks, under the Penalty of Forty Shillings for every Omission.

And be it further Enacted by the Authority aforesaid, That no Apothecary shall alter any Prescription or Recipe of any Person or Persons who take upon them to Prescribe Medicine, without mentioning upon the Label or Cover that the Medicine cannot be Procured, and likewise what he hath Substituted in the Room of it, under the Penalty of Forty Shillings for every such Offence.

And be it further Enacted by the Authority aforesaid, That all the Penalties herein mentioned, may be Sued for and Recovered in a Summary Way, before the Lord Mayor and Recorder of the City of Dublin, who are hereby Authorized and Impowered to Hear and Determine the same, and to Levy such Penalties by Distress and Sale of the Offenders Goods, returning the Overplus to the Owner (if any be) the Charges of Taking and Disposing of the Goods so Distrained being first Deducted, One Moiety of which said Penalties, when Recovered, shall be Applied, by the College of Physicians, in Buying Drugs and Medicines for the use of the Poor of the said City of Dublin, and the other Moiety thereof for the Use of the Informer.

And be it further Enacted by the Authority aforesaid, That this Act shall be

† Deemed

Deemed and Taken, and is hereby Declared to be a Publick Act to all Intents and Purpoſes, and ſhall be Judicially Taken Notice of, and allowed as ſuch, in all Courts within this Kingdom, by all Judges and Juſtices whatſoever, without ſpecially Pleading the ſame; And that this preſent Act ſhall continue in Force for the Term of Three Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

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ACT

FOR

The more Effectual Preventing

Clandeſtine Marriages.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXVI.

AN

ACT

FOR

The more Effectual Preventing
Clandeſtine Marriages.

CHAP. XI.

WHEREAS the ſeveral Laws made to Prevent Clandeſtine Marriages, have proved ineffectual; And Notwithſtanding the Penalties laid on thoſe who Celebrate ſuch Marriages, many Perſons under Age who are Intitled to Conſiderable Fortunes, are frequently Married without the Conſent of their Parents or Guardians, to the Great Prejudice of Many Families; And Proteſtants frequently Intermarry

with Papists, whereby the Popish Interest and Religion are Increased and Propagated: For Remedy thereof,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty Fifth Day of March, which will be in the Year of our Lord, One thousand seven hundred and thirty seven, all Marriages and Matrimonial Contracts, where either of the Parties are under the Age of Twenty One Years, had without the Consent of the Father (if Living) in Writing under his Hand first had and Obtained, or if Dead of the Guardian, had and Obtained in the same Manner, or of the Lord Chancellor or Keeper of the Great Seal, in Case no Guardian be Appointed, shall be Absolutely Null and Void to all Intents and Purposes whatsoever, and shall not be Deemed, Adjudged or Construed by any Spiritual Court, as Contracts or Marriages, if either of the Parties Marrying or Contracting Marriage without such Consent, and being under the Age of Twenty one Years, be Intitled to any Real Estate of the Value of One hundred Pounds per Annum, or to any Personal

ſonal Eſtate to the Value of Five hundred Pounds, or if the Father or Mother of ſuch Party ſo Marrying under Age, be in Poſſeſſion of any Real Eſtate of the Value of One hundred Pounds per Annum, or of any Perſonal Eſtate of the Value of two thouſand Pounds.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Twenty Fifth Day of March, in the Year of our Lord, One thouſand ſeven hundred and thirty ſeven, it ſhall and may be Lawful for the Father or Guardian of any Perſon, who ſhall Marry or be Contracted in Marriage, when under the Age of One and Twenty Years, or if there be no Father or Guardian, for any Perſon or Perſons to be Appointed by the Lord Chancellor or the Lord Keeper of the Great Seal, for that Purpoſe, to Commence a Suit in the proper Eccleſiaſtical Court, in Order to Diſanul ſuch Marriage or Matrimonial Conſtract, which Suit when Commenced ſhall be Proſecuted with Effect, and if it Appears in the ſaid Suit by proper Proof, that either of the Parties ſo Marrying or Contracting to Marry, was at the Time of ſuch Marriage or Matrimonial Contract under the Age of One and Twenty Years, ſuch Marriage or Matrimonial Contract ſhall be Declared

and Adjudged by the Ecclesiastical Court, where such Suit is Commenced, to be Absolutely Null and Void, to all Intents and Purposes.

Provided allways, That if no such Suit be Commenced within one Year after the Solemnization of such Marriage, or the Making of such Matrimonial Contract, such Marriage or Matrimonial Contract shall from the Expiration of the said Year be Good and Valid to all Intents and Purposes, as if this Act had never been made; Any thing herein before Contained to the Contrary thereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That from and after the said Twenty Fifth Day of March, in the Year of our Lord One thousand seven hundred and thirty seven, if any Person of the full Age of One and Twenty Years shall Marry, or Contract to Marry, any Person under the said Age without such Consent as aforesaid, such Person being of full Age so Marrying, or Contracting to Marry a Person under the said Age, shall forfeit the Sum of Five Hundred Pounds, in Case the Person so Married, or Contracted to be Married, when under the Age of One and Twenty Years, shall be Possessed of, or Inti-

Intitled unto Real or perſonal Eſtate of the Value of Ten Thouſand Pounds; But in Caſe the Perſon ſo Married, or Contracted to be Married, when under the Age of One and Twenty Years, ſhall not be Poſſeſſed of, or Intitled unto Real or Perſonal Eſtate of the Value of Ten Thouſand Pounds, then the Perſon being of full Age, and ſo Marrying or Contracting to Marry a Perſon under the ſaid Age, ſhall Forfeit only the Sum of Two Hundred Pounds; Which ſaid reſpective Sums ſhall be Recovered by Bill, Plaint or Information, in any of His Majeſty's Courts of Record, and One Moiety of the ſaid Forfeitures ſhall be to the Uſe of His Majeſty, and the other Moiety to the Uſe of him, her or them who ſhall ſue for the ſame; And if any Perſon, being of full Age, ſhall be Legally Convicted in any ſuch Suit of Marrying or Contracting to Marry a Perſon under the ſaid Age of Twenty One Years, ſuch Perſon ſo Convicted, ſhall likewiſe be Impriſoned in the Common Goal of the County or Place where ſuch Offence is Committed, for the Space of one Year without Bail or Mainprize.

Provided allways, That no ſuch Forfeiture or Penalty ſhall be Incurred, unleſs the Proſecution be Commenced within One Year after the Fact Committed.

And be it further Enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of March, One thousand seven hundred and thirty seven, no Minister, shall knowingly, in any Church or Chappel, where Divine Service is Celebrated, according to the Usage of the Church of Ireland, Publish the Banns of Matrimony between any Persons, whereof One is of the Protestant, and the other of the Popish Religion, nor without a Certificate from Three Credible Persons of the Parish or Parishes where such Banns are Published, that the Parties so Intending to Marry, are both of the Protestant, or both of the Popish Religion; And every Minister Offending herein, shall be liable to such Ecclesiastical Censure as he would have been by the Ecclesiastical Laws of this Kingdom, for Celebrating a Clandestine Marriage.

Provided allways, and be it further Enacted by the Authority aforesaid, That nothing herein contained, shall be Construed to Lessen or Take away any of the Penalties or Disabilities Inflicted against any Persons, who Contract, Celebrate, or are present at any Clandestine Marriage, by Virtue of any of the Laws or Statutes now in Force in this Kingdom; Any thing herein contained to the Contrary thereof in any wise notwithstanding.

And

And be it further Enacted by the Authority aforesaid, That this Act shall be Publickly Read Four Times in the Year, in all Parish-Churches, and all Publick Chappels, and other Places of Publick Worship, by the Parson, Vicar or Curate of the respective Parishes or Chappels, immediately after Morning-Prayers, on Four several Sundays (that is to say) upon the Sunday next after the Fifth of May, in the Year One thousand seven hundred and thirty six, upon the Sunday next after the Fifth Day of August, upon the Sunday next after the Fifth Day of November, and upon the Sunday next after the Fifth Day of February next Ensuing, and upon the same Days in every following Year, on Pain of Five Pounds for every such Omission or Neglect, the said Penalty to go to such Person as shall first Sue for the same, by Bill, Plaint or Information, or by Civil Bill.

AN

ACT

FOR

EXPLAINING An ACT

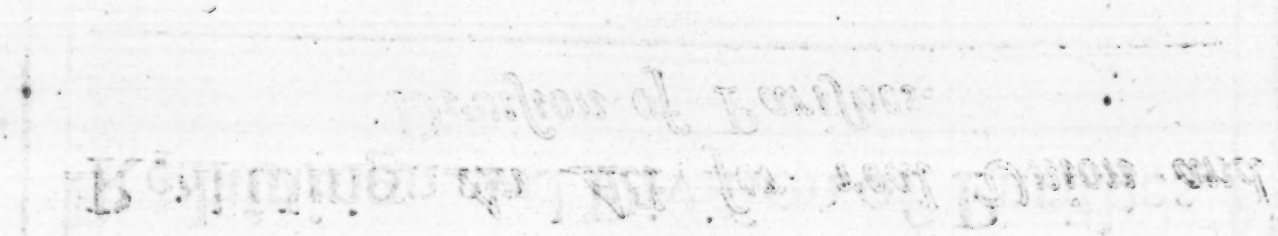
FOR

Real Union and Diviſion of Pariſhes.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.



AN

ACT

FOR

Explaining *An Act for real Union and Diviſion of Pariſhes.*

CHAP. XII.

WHEREAS by an Act made in the Second Year of His late Majeſty King George the Firſt, Intituled, An Act for real Union and Diviſion of Pariſhes, and which has been ſince Continued by Subſequent Acts of Parliament, for and until the Twenty Fifth Day of March, One thouſand ſeven hundred and forty, and to the End of the then next Seſſion of Parliament, Power is given to the Chief Governor or Governors of this Kingdom, with the Aſſent of the Major Part of the Privy

Council, Six at leaſt Conſenting, with the Approbation of the Archbiſhop of the Province, and Biſhop of the Dioceſs, with the Conſent of the reſpective Patrons and Incumbents, to Divide old Pariſhes, or Separate any Pariſh or Part of a Pariſh of late United, and to Unite Pariſhes one to another, or Part of one Pariſh to another Pariſh, or to Part of a Pariſh in Perpetuity, and to Erect ſuch Divided or United Pariſhes, or Part of Pariſhes into new Pariſhes, with all Parochial Rights, ſaving to the ſeveral Incumbents at the Time of ſuch Union during their reſpective Incumbencies, all their Right, Title and Intereſt, in and to the ſaid United Benefices.

And whereas a Doubt hath been Conceived upon the ſaid Act, as to the Time when ſuch New Erected Pariſh may be Preſented or Collated to, whether upon the Death or Removal of any One of the Incumbents, or that the Patron muſt ſtait till the Death or Removal of all, which if not Explained, and Power given to put the ſaid Pariſh or Part of a Pariſh, which ſhall firſt become Void, upon the Death or Removal of any One of the Old Incumbents, into the Hands of ſome other Incumbent, before the other Pariſh or Parts of a Pariſh United to it, is become Void, the Cure of Souls in that Part ſo Vacant, will not be duly Regarded, and the Remote Proſpect of any

ny Benefit following from such Union, till the several Parts of such United Parish are all Void, may be a great Discouragement to the Repairing any Decayed Church, or Building a New One on the said Union, and Providing for the Immediate Worship of God in Publick, and may Prevent Well-disposed Persons from Building or Contributing to the Erecting of New Churches, or Promoting such Unions where they are very much wanted.

Therefore for Explaining the said Doubt, and to Remedy such Inconveniencies; Be it Enacted and Declared by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by the Authority of the same, That where any such Union or Unions have been or shall be hereafter Made, and a New Parish Erected, from the Death or Removal of any Incumbent Enjoying any Parish or Part of a Parish, so United to any other Parish or Part of a Parish, Constituting the New Erected Parish, whereby the Parish or Part of a Parish, which such Incumbent so Dying or Removed, Held and Enjoyed, is no longer an Old Parish or Part of an Old Parish, but is become Part of the United and New Erected Parish, it shall and may be Lawful, to and

for the Patron or Patrons of such United and New Erected Parish, who by Law is or are Intitled to Present or Collate to the First Turn upon the Avoidance of such New Erected Parish, to Present or Collate his Clerk to such New Erected Parish, by the Name or Description, which such New Erected Parish is Distinguished or Called by in the Act of Council, Establishing such Union and Erecting such Parish, as if all the Incumbents of such United Parish were then Dead or Removed, and that such United Parish was then entirely Void; And upon such Presentation and Institution thereupon, or Collation, the Clerk so Presented and Instituted or Collated, shall be Intitled to Induction to the said United and New Erected Parish, as if all the Incumbents were Dead or Removed, and may be Inducted in such Parish or Part of a Parish which shall be then Void, without waiting for the Death or Removal of the other Incumbent or Incumbents, and may Perform all Matters and Things for the Qualifying or Intitling himself as by Law is Required, to the said United Parish, in any Church or Ruins of a Church, if any such there be, in that Parish or Part of a Parish then become Vacant; And in Case there is no Church or Ruins of a Church, upon such Parish or Part of a Parish so Vacant, then in the said Old Parish-

Parish-Church of the Parish from whence such Part of a Parish is taken, and such Clerk so Presented and Instituted or Collated, and also Inducted, shall then Enter upon the Cure of Souls, and Take and Receive all such Tythes, Duties or other Profits, in such Vacant Parish or Part of a Parish, in as Large and Ample a Manner, as the Old and Former Incumbent so Dying or Removed, was by Law Intitled to Have, Take and Receive, in such Parish or Part of a Parish, before it became Void.

And be it further Enacted by the Authority aforesaid, That such Clerk so presented and Instituted or Collated, and so Inducted in Pursuance of this Act, into such New Erected Parish, upon the Death or Removal of the other Incumbent or Incumbents of the other Parishes or Parts of a Parish, Constituting such Union, and Erected into the said New Parish, as they respectively become Void, shall and may Enter upon the Cure of Souls, and Take and Receive such Tythes, Duties and other Profits, as the said former Incumbent or Incumbents, so Dying or Removed, was or were by Law Intitled to in such Parish or Part of a Parish, then become Part of the said United or New Erected Parish, and such Clerk so Presented and Instituted, or Collated and Inducted in Pursuance of this

Act, to such United Parish, and having performed all other Matters and Things, which by Law he was Required to do and perform, shall upon the Death or Removal of the said other Incumbent or Incumbents, be Full and Lawful Incumbent of all the said United and New Erected Parish, without any New Presentation and Institution, Collation or Induction, to all Intents and Purposes whatsoever, and shall have the same Right, Title and Interest, in and to the said United and New Erected Parish, and to all Tythes, Duties, Profits and Perquisites thereunto belonging or appertaining, in as Large and Ample Manner as he could or might have had, if such Clerk had been separately Presented and Instituted, or Collated and Inducted into the said Parishes, or Parts of Parishes, as they respectively become Void, and as the Old and former Incumbents or any of them were by Law Intitled, to Have and Receive the same.

And be it further Enacted by the Authority aforesaid, That in Case of the Death or Removal of such Clerk, Presented and Instituted or Collated in Pursuance of this Act, before the other Parish or Parts of a Parish Compleating the said United or New Erected Parish, shall become Void by the Death or Removal of the Incumbent or Incumbents thereof,

the Patron or Patrons of such New Erected Parish, whose Turn it is then to Present or Collate, may in like Manner Present or Collate, to the said United or New Erected Parish, and such Clerk so Presented and Instituted or Collated, and also Inducted, shall Hold and Enjoy the said New Erected Parish, or such Parts of it as are then Vacant, or that shall thereafter become Vacant by the Death or Removal of the other Incumbent and Incumbents, in the same and as Large and Ample Manner as the Former Incumbents Presented and Instituted, or Collated and Inducted by Virtue of this Act, did, might or could have Held and Enjoyed the same, and so as often as any Part of the said New Erected Parish shall become Void, by the Death or Removal of such Incumbent or Incumbents, and until all the Several Parishes or Parts of Parishes so United, shall become Void and fallen into the said United and New Erected Parish, so as to render the said Union Compleat and Perfect; Saving to the other Incumbents of the Parishes or Parts of Parishes so United and made Part of the said New Erected Parish, until the same shall become Void, their several Rights, Titles, and Interest in and to their respective Parishes, or Part or Parts of Parishes, during their respective Incum-

bencies, as though no Clerk had been Presented and Instituted, or Collated and Inducted to such New Erected Parish, in Pursuance of this Act.

And whereas there may be no Church or Ruins of a Church, upon that Parish or Part of a Parish, Constituting Part of the New Erected Parish, which shall first become Void by the Death or Removal of the Incumbent, so that it may be Doubted, in what Manner Induction may be made to the Clerk Presented, and Instituted or Collated, in Pursuance of this Act. For Explaining the same; Be it Enacted by the Authority aforesaid, That in Case there is no Church or Ruins of a Church, upon such Parish or Part of a Parish so become Vacant, then the Person duly Authorized to give Induction, shall and may Deliver a Sod or Turf to such Clerk, in the Name of Seisin and Possession of the said United and New Erected Parish, which is hereby Declared to be a Good and Valid Induction, to all Intents and Purposes whatsoever.

And whereas, upon the Division or Union of Parishes or Parts of Parishes, Disputes may arise upon the Apportioning the First-Fruits, Crown-Rent, Port-Corn, Pensions, Procurations, Synodalls and Salaries, Payable to the School-Masters of the Dioces-Schools, by the

several

ſeveral Incumbents of ſuch Divided or United Pariſhes; To Remedy the ſame, Be it Enacted by the Authority aforeſaid, That upon the Application of any Incumbent of ſuch Divided or United Pariſh or Pariſhes, to the Biſhop of the Diocels in which ſuch Divided or United Pariſh lies, ſuch Biſhop is hereby Impowered and Directed, to Enquire into the Value of ſuch Pariſhes or Parts of Pariſhes, as are Separated and Divided from the Old Pariſh, and Erected into the New Pariſh, and to Settle and Adjuſt the Proportion of Firſt-Fruits, Crown-Rent, Port-Rent, Penſions, Procurations, Synodalls, and the Salaries of the ſaid School-Maſters, which the Incumbent of ſuch Old Divided Pariſh and New Erected Pariſh is to Pay, which Adjudication being in Writing, and Signed and Sealed by the ſaid Biſhop, and Regiſtred in the Regiſter-Book of the ſaid Biſhop, ſhall be the Proportion which the Incumbent of ſuch New Erected Pariſh is to Pay, and ſhall be Binding and Concluſive to the ſeveral Incumbents of the ſaid Divided and United Pariſh and Pariſhes, and to their Succeſſors; Any Law to the Contrary notwithſtanding.

And be it Enacted by the Authority aforeſaid, That ſuch Adjudication being Made by the Biſhop of the Diocels, in Manner as aforeſaid, a Certificate of

so much thereof, as Relates to the Proportion of First-Fruits, Crown-Rent and Port-Corn, wherewith the said Old Divided Parishes, and New Erected Parishes are to be Charged by the said Adjudication, shall be Returned by the Bishop of the Diocess, under his Episcopal Seal into His Majesty's Court of Exchequer, there to be Filed on Record, and the said Old Divided Parishes and New Erected Parishes, shall be Charged in all Process to be Issued out of the said Court for First-Fruits, Crown-Rent and Port-Corn, according to the Proportions Certified as aforesaid, and not otherwise; Any Law or Usage, to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That after Presentation and Institution or Collation, and also Induction of such Clerk to such United Parish, such Clerk or Incumbent with the Parishioners and Inhabitants of such Parish or Parts of a Parish, which shall be then Vacant and become Part of the said United Parish, shall Proceed to the Election and Appointment of Church-Wardens, and other Parish-Officers, as by Law they might have Done, if the other Parts of such United Parish had become Void, which Church-Wardens and other Parish-Officers, shall from Time to Time be Elected and Appointed in

in the Usual Manner, as Church-Wardens and other Parish-Officers, are in other Parishes Elected and appointed, till the other Parts of such United Parish shall become Void, and after such Avoidance, the Election and Appointment of the said Church-Wardens and other Parish-Officers of the said United Parish, shall be in the same Manner and at the same Time, and by the same Persons, as is Used and Accustomed in the other Parishes of the Diocels, in which such United or New Erected Parish Lies and is Situate.

AN

ACT

FOR

Making more Effectual *An Act to Amend and Explain An Act*, Intituled, *An Act to Encourage Building of Houſes and Making other Improvements on Church Lands, and to prevent Dilapidations.*

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.

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AN

ACT

FOR

Making more Effectual *An Act to Amend and Explain An Act*, Intituled, *An Act to Encourage Building of Houſes and Making other Improvements on Church Lands, and to prevent Dilapidations.*

CHAP. XIII.

WHEREAS by an Act made in the Twelfth Year of His late Majeſty King George the Firſt, Intituled, An Act to Amend and Explain An Act, Intituled, *An Act to Encourage Building of Houſes, and making other Improvements on Church Lands, and to prevent Dilapidations*; It is Enacted, That from and after the Firſt Day of May, which was in the Year of our Lord, One thouſand ſeven hundred and twenty ſix, inſtead

of the ſeveral Payments directed to be Paid, in and by the therein recited Act, made in the Tenth Year of King William the Third of Glorious Memory, [Intituled, An Act to Encourage Building of Houſes, and making other Improvements on Church Lands and to prevent Dilapidations] Every Archbiſhop, Biſhop, and other Eccleſiaſtical Perſon whatſoever, who ſhall from and after the firſt Day of *May* aforeſaid, Make, Build, Erect, Add to, or Repair any Houſe, Out-Houſes, Gardens, or other neceſſary Improvements, on his Demeſne, Glebe or Menſal Lands, for which a Certificate ſhall be Obtained, as is by the ſaid Act appointed, his Executors or Adminiſtrators reſpectively, ſhall from his Next and Immediate Succeſſor have and receive Three Fourths of the Sum or Sums ſo Certified, and ſuch Succeſſor having paid the Three Fourths of the Sum or Sums ſo Certified as aforeſaid, his Executors or Adminiſtrators reſpectively, ſhall and may Receive two Thirds thereof, that is, One Moiety of the Sum firſt Certified, from his next Succeſſor, which Succeſſor having paid the ſaid Moiety of the ſaid Firſt Sum, his Executors or Adminiſtrators ſhall and may Receive from his next Succeſſor, one Half thereof, that is, one Fourth Part of the Sum or Sums in the firſt Certificate mentioned; All which Sums ſo to be Paid and Received, ſhall and may be Paid and Recovered within the Times, and in the ſame Manner as the Sums to be Paid and Recovered by the ſaid former Act are Directed to be Paid and Recovered;

†

vered; Any thing in the ſaid former Act to the contrary notwithſtanding.

And whereas it has been Doubted, whether any Archbiſhop, Biſhop or other Eccleſiaſtical Perſon, Chargeable by the ſaid Act of the Twelfth of His late Majeſty King George the Firſt, with three Fourth or Two Fourth parts of any Sum or Sums of Money Certified for Buildings and other Improvements on Church Lands, or Intitled by the ſame to Receive two Fourths or one Fourth of ſuch Money from his next Succeſſor, can Sue for or Recover the ſaid two Fourths or one Fourth, or any part thereof, not having Paid the whole Money Charged on him by the ſaid Acts; For the Removal of ſuch Doubt,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Twenty Fourth Day of June, One thouſand ſeven hundred and thirty ſix, every Archbiſhop, Biſhop or other Eccleſiaſtical Perſon, Intitled to Receive the ſaid Two Fourths or One Fourth as aforeſaid, who hath Paid or ſhall Pay more than One Fourth of the whole Money, Charged in ſuch Certificate as aforeſaid, ſhall and may Receive and Sue for and Recover from his next

Succeſſor, his Executors or Adminiſtrators, ſo much of the ſaid Two Fourths or One Fourth reſpectively, as ſuch Archbiſhop, Biſhop or other Eccleſiaſtical Perſon, ſhall have paid more than the Amount of one fourth Part of the whole Money, Charged in ſuch Certificate as aforeſaid, for which Money ſo to be Received, Sued for and Recovered, every ſuch Archbiſhop, Biſhop or other Eccleſiaſtical Perſon reſpectively, and his and their reſpective Executors and Adminiſtrators, ſhall have the like Remedy againſt his next reſpective Succeſſor and his Executors, and Adminiſtrators, as ſuch Archbiſhop, Biſhop or other Eccleſiaſtical Perſon might have had, for the whole Two Fourths or One Fourth aforeſaid, in Caſe the whole Money Charged upon ſuch Archbiſhop, Biſhop or other Eccleſiaſtical Perſon, had been Paid according to the Direction of the ſaid Acts; Any Thing in the ſame to the contrary notwithſtanding.

And whereas it may Happen that Perſons promoted to Archbiſhopricks, Biſhopricks or other Eccleſiaſtical Benefices, may Continue ſo ſhort a Time in ſuch Preferments, that the Profits thence Ariſing, will not Anſwer the Charges, Incident to ſuch Promotions, and that their Families may be wholly unable upon their Death to pay the Sums of Money Charged upon them, by the ſaid

Acts,

Acts, on Account of their Archbiſhopricks, Biſhopricks or other Eccleſiaſtical Benefices, or not able without being Reduced to extream Poverty; To Remedy thoſe Inconveniencies, and the better to Secure to the Builder or Improver on any Archbiſhopprick, Biſhopprick or other Eccleſiaſtical Benefice, or to ſuch who have paid what they were by the ſaid Act Charged with, on Account of ſuch Buildings and Improvements, the Encouragement Deſigned them by the aforeſaid Act;

Be it Enacted by the Authority aforeſaid, That no Archbiſhop, Biſhop or other Eccleſiaſtical Perſon, who ſhall be Promoted to any Archbiſhopprick, Biſhopprick or other Eccleſiaſtical Benefice, after the ſaid Twenty Fourth Day of June, One thouſand ſeven hundred and thirty ſix, ſhall be Deemed a Succeſſor, within the Intention of this or the former Acts, Lyable to the Payment of any Part of any Sum of Money Chatged or to be Charged on any Archbiſhopprick, Biſhopprick or other Eccleſiaſtical Benefice by Virtue of any Certificate made out or given, or to be Made out or Given by Virtue of this or the ſaid former Acts, who ſhall happen to Dye or be Removed within the Space of One Year, from the Death, Tranſlation or Removal of the Archbiſhop, Biſhop or other Eccleſiaſtical Perſon immediately preceding him in the Archbiſhopprick, Biſhopprick or other Eccleſi-

astical Living whereunto he was so Promoted.

Provided allways, and be it Enacted by the Authority aforesaid, That when any Archbishop, Bishop or other Ecclesiastical Person shall Die, or be Translated or Removed, the Person Succeeding, who shall first be Intitled to a Year's Profit of such Archbishoprick, Bishoprick or other Ecclesiastical Benefice, the said Year to be Reckoned from the Death, Translation or Removal of such Archbishop, Bishop or other Ecclesiastical Person, shall be Deemed and Taken to be the next Successor to such Archbishop, Bishop or other Ecclesiastical Person so Dying, Translated or Removed, for the Purpose only of being Chargeable with the Payment of Money Certified for Building on Church-Lands, and for Purchasing Lands according to this and the said former Acts, and that to all other Purposes such Person shall be Deemed and Taken to be in such Degree of Succession to such Archbishop, Bishop or other Ecclesiastical Person, as he should be in Case this Act had never been made.

And be it further Enacted by the Authority aforesaid, That every Archbishop, Bishop or other Ecclesiastical Person, Chargeable by this or the former Acts, with the Payment of any Sum of Money Certified or to be Certified as aforesaid, shall Pay the One Moiety of such Money as soon as he is become a Suc-

cessor

reſſor Chargeable therewith, according to the true Intention of this Act, and the other Moiety thereof by Two Equal Half-Yearly Payments within the next Year.

And whereas, by the ſaid Act, Made in the Twelfth Year of King George the Firſt, it is Enacted, That when any Certificate ſhall be Given or Made out by Virtue of the ſaid Act, for any Sum or Sums of Money to be Charged upon any Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living, for any Building or Improvements, ſuch Certificate ſhall Contain a True Account of the Clear Yearly Value or Income of the ſaid Archbiſhoprick, Biſhoprick or Eccleſiaſtical Living, as the ſame ſhall be Proved to be before ſuch Perſons reſpectively, who ſhall Grant ſuch Certificate at or before the Time of making out ſuch Certificate.

And whereas it is Apprehended, That through Ignorance and Want of due Care, ſome Certificates have been made out, without Inſerting in the ſaid Certificates, An Account of the Clear Yearly Value or Income of ſuch Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living; And that for Want of ſuch Account being Inſerted in ſuch Certificate, a Diſpute may ariſe Concerning the Validity of ſuch Certificate, and that the Builder and Improver on ſuch Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living, may be in Danger of loſing the

Sum or Sums of Money intended to be Reimburſed him, for his Encouragement to Build and Improve by the aforeſaid Act; Therefore to Avoid any ſuch Diſputes, and to Secure to the Builder or Improver, on any Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living, the Encouragement Intended him by the aforeſaid Act; Be it further Enacted by the Authority aforeſaid, That where any Certificate hath been made out, or given by any Chief Governor or Governors of this Kingdom, Archbiſhop or Biſhop, to Charge any Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living, with Money for Building or Making other Improvements on Church-Lands, which Certificate doth not Contain an Account of the Clear Yearly Value of ſuch Archbiſhoprick, Biſhoprick or other Eccleſiaſtical Living; In every ſuch Caſe, the Chief Governor or Governors of this Kingdom, Archbiſhop or Biſhop who Granted ſuch Certificate, or the Succeſſor and Succeſſors for the Time being, of ſuch Chief Governor or Governors, Archbiſhop or Biſhop reſpectively, ſhall and may, and they are hereby thereunto Authorized and Impowered, at any Time before the Twenty fourth Day of June, which ſhall be in the Year of Our Lord, One thouſand ſeven hundred and thirty eight, to Grant and Make out an Additional or Supplemental Certificate, in which ſhall be Contained

tained a True Account of the Clear Yearly Value or Income of the said Archbishoprick, Bishoprick, or other Ecclesiastical Living, as the same shall be Proved to be, at or before the Time of Making out such Additional or Supplemental Certificate, before such Person or Persons respectively, as is or are hereby Impowered to Make out the same, whose Judgment therein shall be Final, the said Clear Yearly Value to be Computed and Proved in the Manner Directed by the said last Recited Act; And such Additional or Supplemental Certificate being Made out and Granted in Manner aforesaid, the respective Original Certificate, in which an Account of the Clear Yearly Value of such Archbishoprick, Bishoprick or other Ecclesiastical Living was Omitted, shall be of the same Force and Validity, to all Purposes, as if such Account had been Contained therein, according to the Directions of the said former Act; Any Thing in the said Act to the Contrary in any wise notwithstanding.

And whereas, by the said Act Made in the Twelfth Year of King George the First, it is Provided, That in the Certificate to be Given and Made out, the Yearly Value or Income shall be Computed of that Ecclesiastical Living, only whereon such Building or Improvements are made, and no other, unless there be a Real Union by, or Pursuant to any Act of Parliament of the said Ecclesiastical Li-

ving with other Livings, from which it is Inſeparable.

And whereas, Two or more Biſhopricks are United, and now Held and Enjoyed by One Archbiſhop or Biſhop, by Virtue of Patents from the Crown, ſome whereof are of ſmall Value:

And whereas it may Happen, that Houſes and Improvements may be Made by Archbiſhops or Biſhops, on One of the ſaid United Biſhopricks, which may be of ſo ſmall a Value, as not to be Sufficient to anſwer the Money laid out in ſuch Buildings or Improvements, in the Time Limited by the ſaid recited Acts:

And it hath been Doubted on the ſaid recited Acts, whether Money laid out in Buildings and Improvements, on any One of ſuch United Biſhopricks, can be Charged on all the ſaid United Biſhopricks, while they remain United;

Be it Declared and Enacted by the Authority aforeſaid, That all Certificates which ſhall hereafter be Given or Made out for any Sum or Sums of Money, to be Charged upon any Archbiſhopprick or Biſhopprick, for any Buildings or Improvements to be Made, purſuant to the ſaid Act of the Twelfth of His late Majeſty King George the Firſt, or the Act Paſſed in the Tenth Year of King William the Third, ſhall Contain a True Account of the Clear Yearly Value or Income of the ſeveral United Biſhopricks,

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held by the Archbishop or Bishop so Building such Houses or Making such Improvements, at the Time of the Making thereof; And that all and every the Sum and Sums so Certified, tho' the same shall be laid out on One only of the said United Bishopricks, shall be Charged upon all the said United Bishopricks, while the same shall Continue so United, and shall be Raised, Levied and Paid, by such Person and Persons, at such Times, by such Proportions, and in such Manner and Form, as all other Money laid out in Building Houses, or Making other Improvements, is Directed and Appointed, to be Paid by Virtue of this Present or the said recited Acts; Any Thing in the said recited Acts to the Contrary notwithstanding.

And whereas it is Enacted by the beforementioned Act, of the Twelfth of His late Majesty King George the First, That every Archbishop, Bishop or other Ecclesiastical Person, Intending to Erect or Make any Building or Improvement on his respective Demesne or Glebe-Lands, shall at the least Three Months before he begins the the same, Give unto the Person or Persons, Impowered to give such Certificate as aforesaid, an Account in Writing of their Intended Buildings and Improvements.

And whereas it is Apprehended, That the giving in such an Account, Three Months before any Buildings or Im-

provements were begun, hath not been strictly Complyed with.

And whereas so great a Space of Time, for Considering of such Intended Buildings and Improvements, is not found necessary; To Prevent therefore any Disputes on this Account, and to Avoid the like Inconveniencies for the future,

Be it Enacted by the Authority aforesaid, That the not having given in to the Person Impowered to give a Certificate, an Account in Writing of such Intended Buildings and Improvements, Three Months at least before they were begun, shall no Ways Invalidate or make Void any Certificate, already Given or hereafter to be given for any Buildings or Improvement, made or begun in Pursuance of this and the aforesaid Acts, but that for the future it may be sufficient to give in such Account to the Person, Impowered to give a Certificate, one Fortnight before such Buildings or Improvements are actually begun.

AN

AN

ACT

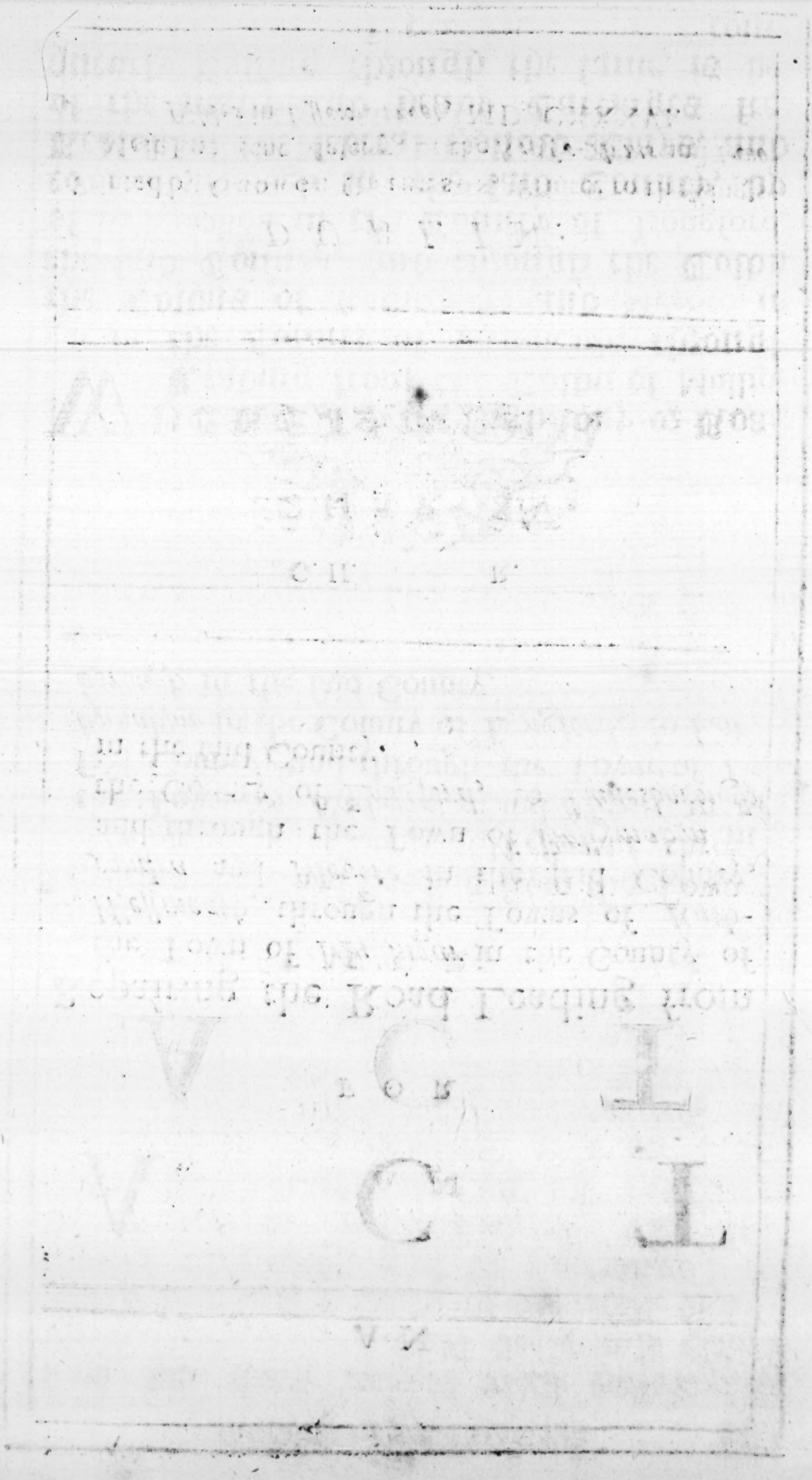
FOR

Repairing the Road Leading from the Town of *Mullingar* in the County of *Weſtmeath*, through the Towns of *Rathcondra* and *Mevore* in the ſaid County, and through the Town of *Ballymahon* in the County of *Longford*, to *Lanesborough* in the ſaid County.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.



AN

ACT

FOR

Repairing the Road Leading from the Town of *Mullingar* in the County of *Weſtmeath*, through the Towns of *Rathcondra* and *Mevore* in the ſaid County, and through the Town of *Ballymahon* in the County of *Longford*, to *Lanesborough* in the ſaid County.

CHAP. XIV.

WHEREAS the High-Way or Road Leading from the Town of Mullingar in the County of Weſtmeath, through the Towns of Rathcondra and Mevore in the ſaid County, and through the Town of Ballymahon in the County of Longford, to Lanesborough in the ſaid County, by Reaſon of the ſeveral Hollow-Ways, and of the many and heavy Carriages frequently paſſing through the ſame, is be-

come ſo Ruinous and Bad, that in Winter Seaſon many Parts thereof are Impaſſable foꝛ Waggons, Carts, Cars and Carriages, and very Dangerous foꝛ Travellers, and cannot by the oꝛdinary Courſe Appointed by the Laws and Statutes of this Realm be effectually Amended and Kept in Good and Sufficient Repair; Wheꝛefoꝛe, and to the Intent that the ſaid High-Way and Road may with convenient Speed be effectually Amended and hereafter Kept in Good and ſufficient Repair, ſo that all Perſons may Travel the ſame with Safety;

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Loꝛds Spiritual and Tempoꝛal, and Commons in this pꝛeſent Parliament Aſſembled, and by the Authoꝛity of the ſame, That foꝛ the better Surveying, Oꝛdering, Amending and Keeping in Repair the ſaid High-Way oꝛ Road, the Right Honourable George Earl of Granard, the Right Reverend Joſiah Loꝛd Biſhop of Kilmore and Ardagh, the Right Honourable the Loꝛd Forbes, the Honourable Humphry Butler, Eſq; Sir Edward Crofton, Baronet, Sir Henry King, Baronet, the Right Honourable General Owen Wynne, Henry Bingham, Eſq; Arthur French, Eſq; Robert French, Eſq; Sir John Bingham, Baronet, Sir Arthur Newcomen, Baronet, Michael Cuff, Eſq; Joſhua Cooper, Eſq; Robert Rochford, Eſq; Anthony Malone, Eſq;

Anthony

Anthony Sheppard, Senior, Esq; Anthony Sheppard, Junior, Esq; John King, Esq; Richard Edgeworth, Esq; John Rochfort, Esq; William Handcock, Esq; Robert Percivall, Esq; Thomas Magan, Esq; Thomas Newcomen, Esq; Charles Newcomen, Esq; the Reverend Archdeacon Taylor, the Reverend Essex Edgeworth, the Reverend Samuel Span, Richard Auchmuty, Esq; Forbes Auchmuty, Esq; John Lyons, Senior, Esq; Charles Lyons, Esq; John Lyons, Junior, Esq; Judge Rochfort, Esq; David Jones, Thomas Fetherston, John Webster, James Black, Charles Dowdall, John Burtles, Robert Shore, Edward Ledwith, Simon Sandys, William Smith of Barba Villa, Esq; William Parker, Richard Homan, Thomas Hall, Sir Richard Levinge, Bart. Robert Fox, Esq; Anthony Marlay, Esq; Thomas Burgh, Esq; Lewis Meares, Esq; Thomas Mahon, Esq; Samuel Auchmuty, Esq; Robert Bray, Esq; Arthur Gore, Esq; Peyton Fox, Esq; Charles Fox, Esq; Boleyn Whitney, Esq; Pooley Mullineux, Esq; Robert Sandford, Esq; Abney Parker, Esq; the Reverend William Campbell, the Reverend Mr. Hughes, the Reverend Thomas Lemon, George Jones, Esq; Michael Smith, Esq; Leonard Hatfield, Esq; John Meares, Esq; John Hynes, William Vane, John Clibourn, James Clibourn, the Reverend John Travers, John Bredin, Richard Bryanton, James Bond, Nehemiah Donnellan, Esq; Barnaby Gunning of Hollywell, Esq; St. George Caulfield, Esq; Thomas Mc Dermot, Gent. Toby Caulfield of Donamon, Esq; Edward Hutson, Gent. Richard Birmingham

ham of Roſcommon, Gent. James Erwin, Eſq; Edwin Sandys Reynolds of Derane, Eſq; Dennis Croghan, Gent. Doctor Peter Croghan, the Reverend Mr. Manly, Clerk, the Reverend Thomas Conterine, Clerk, John Crofton of Boxford, Eſq; Luke Croghan, Gent. Edward Crofton, Eſq; Thomas Caulfield, Eſq; Alexander Clindenon, Alexander Wright, Alexander Black, Sir Henry Tuite, Bart. Sir John Pierce, Bart. Herbert Price, Eſq; Mead Swift, Eſq; John Bowen, Eſq; Edmond Hill, Eſq; Thomas Crofton, Eſq; James Eldrington, Gent. William Gambell, Eſq; Arthur Rochford, Eſq; the Reverend William Thomas, Clerk, the Reverend William Wilſon, Clerk, Ralph Smith of Barba Villa, James Smith of Moivore, Patrick Palmer and William Atkinſon, Gentlemen, and the Survivors of them ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Roads, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or acroſs any Part or Parts of the ſaid High-Ways and Roads; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following; Before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr or other Carriages, ſhall be Permitted to

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pals through the same (Viz.) For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of one Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by any Lesser Number of Horses, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or other Carriage, with Four Wheels, not Drawing Beams or Grols Timber, the Sum of Ten Shillings; And for every Waggon, Wain, Cart or other Carriage, Drawing Beams or Grols Timber, the Sum of One Shilling; For every Wain, Cart or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, Geldings or Oxen, the Sum of Ten Shillings; For every Cart, Carr or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Six Pence; For every Carriage commonly Called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Four Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, excepting Carrs Loaden with Turf, and for each of them, One Penny; And for any Horse or other Cattle, Loaden with Turf, not Drawing, One Penny;

ny; For every other Horſe, Mare, Gelding, Mule or Aſs, Laden or Unladen and not Drawing, One Penny Half-Penny; For every Drove of Oxen, Cows or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and ſo in Proportion for any Greater or Leſſer Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Ten Pence per Score, and ſo in Proportion for any Greater or Leſſer Number; Which ſaid reſpective Sum and Sums of Money, ſhall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money ſo to be Raiſed as aforeſaid, is, and ſhall hereby be Veſted in the ſaid Truſtees, and the ſame, and every part thereof, ſhall be Paid, Applied, and Diſpoſed of and Aſſigned to and for the ſeveral Uſes, Intents and Purpoſes, and in ſuch Manner, as is herein after Mentioned and Directed; And the ſaid Truſtees, or any Five or more of them, are hereby Impowered by themſelves, or any Perſon or Perſons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Perſon or Perſons, who ſhall, after Demand made thereof, Neglect or Refuſe to pay the ſame, by Diſtreſs of any Horſe or Horſes, or other Cattle or Goods, upon which ſuch Toll or Duty is by this Act Impoſed, or upon any of the Goods and Chattels

Chattels of ſuch Perſon or Perſons, who ought to Pay the ſame, and may Detain and Keep the ſame, till ſuch Toll or Duty, with the Reaſonable Charges of ſuch Diſtraining and Keeping, ſhall be Paid; And it ſhall and may be Lawful to and for the Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods Diſtrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after ſuch Toll, Duty and Reaſonable Charges for Diſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall Firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, and Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the ſaid Road Leading from the Town of Mullingar in the County of Weſtmeath, through the Towns of Rathcondra and Mevore in the ſaid County, and through

the Tollin of Ballymahon in the County of Longford, to Lanesborough in the said County, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting or Occupying any Lands, near unto any Turn-pike to be Erected in pursuance of this Act, shall for Gain, Reward or otherwise, permit any Person or Persons whatsoever to pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horse, Mule, Ass or any other Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be paid, and shall be thereof Convicted, upon the Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under

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the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-ways or Roads, Cross any Lane or Way Leading out of the said Road, and to Build one or more Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge, in Case of Passing through any of the other Turn-pikes to be Erected by Virtue of this Act, from the Road Leading from the Town of Mullingar in the County of Westmeath, through the Towns of Rathcondra and Mevore in the said County, and through the Town of Ballymahon in the County of Longford, to Lanesborough in the said County.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may, Elect, Nominate and Appoint, One fit Person to be Treasurer,

surer, and One fit Person to be Clerk, and One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act; And also, One or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said High-way or Road, and to take Care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act be duly Applied; And shall and may from Time to Time Remove such Treasurer or Clerk, Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and Appoint new Ones in Case of Death or of such Removal; And such Person or Persons as is or are Liable by this Act to Pay the said Toll or Duty, is and are hereby Required to pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from Time to Time Appointed as aforesaid for the Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace, Residing near the High-way or Road aforesaid (which Oath such Trustees,

tees, or any Five or more of them, or such Justice or Justices, is and are hereby Impowered and Required to Administer) on the First Tuesday in every Month or ofter (if required) during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be Taken; And in Case any Money so Received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Ways or Roads, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Treasurer and Clerk, Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and

Pains respectively taken in the Execution of his and their Office and Offices as to them shall seem Good, so as such Allowance to such Treasurer does not exceed the Yearly Sum of Thirty Pounds, and that the Allowance to such Clerk does not exceed the Yearly Sum of Fifteen Pounds, and that the Allowance or Allowances to such Collector or Collectors do not Annually exceed Fifteen Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings and Six Pence per Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And in Case the said Treasurer, Receiver or Receivers, Collector or Collectors, of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, that then the Justices of the Peace at any special Sessions or Meeting of them, to be Holden for the County in which the said Treasurer, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors have Acted or been Employed and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry, and finally to Determine of and concerning such Default, as well by the Confession of the

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ſaid Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, which Oath they are hereby Impowered and Required to Adminiſter without Fee or Reward; And if any Perſon or Perſons ſhall be Convicted thereof by ſuch Juſtices, the ſaid Juſtices ſhall, upon ſuch Conviction, commit the Party or Parties to the Common Goal of the County where ſuch Offence ſhall be committed, there to Remain without Bail or Mainprize until he or they ſhall have made a True and Perfect Account, and Payment as aforeſaid.

And be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons, as he or they ſhall Appoint to Dig, Raiſe, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones or other Materials, out of any Waſte or Common, of any Pariſh, Town, Village or Hamlet, in or near which any Founderous or Ruinous Places of the ſaid High-way or Road do Lie; And for Want of Sufficient Gravel, Furze and Stones, or other Materials there, to Dig, Gather, Raiſe, Take and Carry away the ſame out of any Waſte or Common, of any Neighbouring Pariſh, Town, Village or Hamlet, without Paying any Thing for the ſame; And where there is not Sufficient of any ſuch Materials, in any Common

or Waste Ground near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same in the Several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are or may be found, and from Time to Time to Carry away such and so much thereof, as the said Surveyor or Surveyors shall Adjudge Necessary for the Repairing and Amending the said High-ways or Roads, Paying such Rate for such Materials, to the Owner or Occupier of the Ground, from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed or to be Appointed to put this Act in Execution, or any Five or more of them shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier and the said Trustees, touching the Value of the Materials and the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal-delivery to be Holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess and Finally Determine the same.

And

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons, as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the High-way or Road hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses Adjoyning to the said Roads, and to Cut down, Lop or Top any Trees or Bushes, Growing in the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same; The Owner or Occupier, Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed, the said Surveyor or Surveyors, by such Owners or Occupiers, Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons, shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witness or Wit-

neſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County where ſuch Offence ſhall be Committed, ſhall for every ſuch Offence, Forfeit and Pay unto the ſaid Truſtees where ſuch Offence ſhall be Committed, Ten Shillings, to be Levied in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to Make or Cauſe to be Made, Cauſeways, and to Cut and Make Drains through any Ground lying Contiguous to the ſaid Roads, and to Erect Arches of Brick, Timber or Stone thereupon; And alſo, to Widen any of the Narrow Parts of the ſaid High-Way or Road, by Opening, Clearing and Laying into the ſaid High-way or Road, any Ground of any Perſon or Perſons, lying Contiguous to ſuch High-ways or Roads, not being Built upon, and not being a Garden, Orchard, Yard, Planted Walk or Avenue to a Houſe; And alſo, to cauſe Ditches or Trenches to be Made in ſuch Places, and in ſuch Manner, as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, ſhall Adjudge Neceſſary for the better Amending and Keeping of the ſaid High-way or Road in good Repair, making ſuch reaſonable

sonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-way or Road, or through which any such Drain or Drains shall be so Cut, or on which any Arch or Arches shall be Made, for the Damages which he or they shall or may thereby Sustain, as shall be Assessed and Judged by the next Going Judge or Judges of Assizes, or by the Justices of the Peace, or the Major part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in which such Ground lies, which shall be Laid into the said High-way or Road, or through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-courses, Ditch or Ditches, Adjoining to the said High-ways or Roads, shall Neglect or Refuse to Scour or Cleanse such Water-courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Sur-

veyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And whereas the said High-Way or Road, Leading from the said Town of Mullingar in the County of Westmeath, through the Towns of Rathcondra and Mevore in the said County, and through the Town of Ballymahon in the County of Longford, to Lanesborough in the said County, may be considerably Shortned, and Made much more convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be Given for the Land made Use of, in Carrying such Road Straight as aforesaid,

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe and Set apart such Part and Pro-

Proportion of the Lands, Adjoyning or Contiguous to the said High-Ways or Roads, or which otherwise lies most Convenient, for Carrying on and Continuing the said High-Way or Road Straight, and in Direct Lines, not being Built upon, and not being Gardens, Orchards, Yards, Avenues, Plantations or Planted Walks, or Parks or Paddocks for Deer, as they the said Trustees, or any Nine or more of them, shall Judge necessary for Carrying the same Straight and in a Direct Line as aforesaid; And the said Trustees, or any Nine or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others, Interested in the said Ground, to be Made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same, out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability, by non Age, Coverture or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot or otherwise howsoever Refuse to Dispose of their respective Interests in such Land, as the said Trustees, or any Nine or more of them, shall think convenient for the Short-

ning the said Road, in every such Case the said Trustees, or any Nine or more of them, are hereby Authorized and Impowered to Issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County, wherein such Ground doth lie, to Impannell and Return before the said Trustees, or any Nine or more of them, at such Time and Place within the said County, as shall be appointed in such Warrant or Warrants, a Sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Impowered and Required to Administer) shall Inquire into the true and Real Value of such Ground, to be Made Use for the said High-Way or Road; And such Verdicts or Inquisitions as shall be so found and returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Concludive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any Disability or Incapacity whatsoever. And forasmuch as the Monies so to be Collected, by such Receipt of the said Toll, will not be at present Sufficient for the Speedy Repairing of the said High-Way or Road,

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time

Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Costs and Charges whereof to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to Make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become Due, until such Time as

the Principal Sum, Mentioned in such Warrant or Order, shall be Paid off and Discharged, at one intire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her or their Executors or Administrators, may, by Endorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders, which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose (which the said Treasurer or Receiver, shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, upon the like Request, Permit to be Viewed at reasonable Hours, without Fee or Reward) shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned, and that the said Warrant or Order, may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so Toties quoties; And that after such Assignment, it shall not be in the Power of

the

the Perſon or Perſons, who Made ſuch Aſſignment, to make Void, Releaſe or Diſcharge the ſaid Aſſignment, or the Sum thereby Transferred or Aſſigned, or any Part thereof.

And be it further Enacted by the Authority aforeſaid, That the Treaſurer or Receiver of the ſaid Tolls, ſhall Arithmetically Number all the Warrants or Orders which ſhall be Given or Delivered out, in Purſuance of this Act, as they ſhall be Delivered out, Commencing by Number One, and ſo Continuing the Numbers till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforeſaid, That the ſeveral Tolls and Duties hereby made Payable, ſhall be Applied to the Diſcharge of the Intereſt of ſo much Money as ſhall be Borrowed, in Purſuance of this Act, and towards Repairing the ſaid Roads; And that all the Surplus of the ſaid Tolls and Duties hereby made Payable, over and above what ſhall be Sufficient to Diſcharge the ſaid Intereſt and Repair the ſaid Road, ſhall be Applied in Diſcharge of the Principal Money ſo Borrowed, in the Manner hereinafter Mentioned, (Viz.) That when, as often as ſuch Surplus Received by the ſaid Treaſurer or Receiver, ſhall Amount to the Sum of Two hundred Pounds, then the ſaid Treaſurer or Receiver, ſhall cauſe the Number of all the Warrants

or Orders which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn and well Mixt together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Treasurer or Receiver Publickly Advertised in the Dublin Gazette, for that Purpose, at least Twenty Days before, at Ballymahon, in the County of Longford, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two hundred Pounds, and the Person or Persons, the Numbers of whose Warrants or Orders, shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders, to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly; And the

Interest

Interest payable by Virtue of such Warrants or Orders, shall Cease, from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in Being towards Repairing the said High-Way or Road, shall Yearly, during the Continuance of this Act, Do and Perform two Days of that Work commonly called The Statute-Work, which is Appointed by the Laws now in Being for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed by Virtue of this Act, shall by Writing under his or their Hand or Hands from Time to Time Order and Direct, and shall not be again Chargeable for the same by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever, and also, that the respective Surveyor or Surveyors for the Time being, of all and every Parish and Parishes, in which the said High-Ways and Roads intended to be Repaired by this Act do lye, shall Yearly, and every Year, within four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being Appointed by Virtue of this

Act, give a List or an Account in Writing under his or their Hands, of the Name or Names of all and every Person or Persons in the said respective Parish or Parishes, who are by the Laws now in Force chargeable towards the Repairing of the High-Ways of the said respective Parishes, and what he or they is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed, by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to do the said Two Days Work in and upon the said Road to be Repaired by this Act, either Summons, or give Publick Notice thereof, the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons keeping a Team, Cart, Car or other Carriage, and Chargeable towards the Repairing of the High-Ways as aforesaid, shall neglect or refuse to Do and Perform the said Two Days

Days Work in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be given as aforesaid, he or they respectively shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days such Person or Persons keeping a Team, Cart, Car or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards Repairing the High-Ways of the said Parishes, shall at any Time neglect or refuse after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work in the said High-Way by this Act intended to be Repaired, he or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of one or more Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to Administer, and the said Forfeitures and Penalties beforementioned when Recovered, after ren-

dering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so Distrained (the Charges of such Distress and Sale being first Deducted) shall go to, and be applied for and towards amending the said High-Way intended by this Act to be Repaired, in like Manner as the Toll intended by this Act is to go and be Applied.

Provided allways, That in Case there shall be more than one Gate or Turnpike in, cross or on the Side of the said High-way or Road between the said Town of Mullingar in the County of Westmeath, through the Towns of Rathcondra and Mevore in the said County, and through the Town of Ballymahon in the County of Longford, to Lanesborough in the said County, no Person or Persons, having paid the Toll or Duty at the first Gate or Turn-pike through which such Person or Persons shall pass, and producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket, the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon the said High-way or Road, Such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty at the Latter Gate or

Turn-

Turn-pike the same Day; And no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is Taken, who shall Return the same Day upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Car, or other Carriage, shall be Liable or Compellable the same Day to Pay to the said Toll or Duty, more than Once on the said Road.

And for Preventing Frauds and Abuses in the said Toll or Duty:

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted and made Payable, and having such Note or Ticket, Notes or Tickets, as is hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Witness or Witnesses, before the said Trustees or any Five or More of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath, the said Trustees, and the said Justice or Justices, are hereby Impowered to Ad-

minister) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered and Disposed of, by this Act.

Provided allways, And it is hereby Declared, That, During the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Westmeath and Longford, or for any Burgess to Serve in Parliament for any Boroughs in the said Counties respectively; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or More of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think Fit, to Compound or Agree by the Year, or Otherwise, with any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Car, or any other Carriage, for any Sum or Sums of Money, to be Paid

paid Quarterly, from Time to Time, after such Agreements shall be Made.

Provided also, And it is hereby Declared, That no Person shall be Charged with any of the Tolls and Duties aforesaid, who shall Pass through any of the Turn-pikes to be Erected by this Act, who shall Carry any Quantity of Kilkenny-Coals, or of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads in the Parishes in which the same do Lie, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Cars or Waggons Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing the same, in the several Parishes in which the said High-Way or Road hereby Intended to be Repaired do Lie; Nor shall any Toll or Duty be Demanded or Taken at any of the Turnpike or Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass or Mule, or other Cattle Going to Water, or for any Post-Horse Carrying the Mail or Packet, or for such Horse as is or shall be Used only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse Pass through the said Turn-pike or Turn-pikes with such Waggon, Cart or Carriage; Nor

ſhall any Toll or Duty be Demanded or Taken for the Horſes of Soldiers paſſing that are upon their March, or for Waggons, Carts, Cars, or other Carriages Attending them, or for Horſes, Waggons, Carts, Cars or other Carriages Travelling with Vagrants ſent by Paſſes, or with Priſoners Tranſmitted from one Part of the Kingdom to another.

And be it further Enacted by the Authority aforeſaid, That the Toll or Duty hereby Granted ſhall take Place and have Continuance from and after the Firſt Day of April, in the Year of our Lord God, One thouſand ſeven hundred and thirty ſix, for and During the Term of Forty One Years.

Provided nevertheleſs, That if, at any Time before the Expiration of the ſaid Term of Forty One Years, all Parts of the ſaid Road ſhall be ſufficiently Amended and Repaired, and ſo Adjudged by the Majority of Truſtees Appointed, or hereafter to be Choſen by Virtue of this Act, by an Adjudication Made, and Re-payment of ſuch Money as ſhall have been Advanced or Borrowed, with Intereſt for the ſame, and the Coſts and Charges thereof, the ſaid Tolls and Duties ſhall Ceaſe and Determine; Any Thing herein Contained to the Contrary notwithſtanding.

And

And be it further Enacted by the Authority aforesaid, That the said Road or Roads, shall be Repaired, from the said Town of Mullingar in the County of Westmeath, through the Towns of Rathcondra and Mevore in the said County, and through the Town of Ballymahon in the County of Longford, to Lanesborough in the said County.

And be it further Enacted by the Authority aforesaid, That for the Continuing of a Sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and during the Continuance thereof, it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal or Refusing to act in the said Trust, from Time to Time, and at all Times hereafter, during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees, so Deceased, Removed or Refusing to act, another fit and able Person, or so many more fit and able Persons, Living in the said Counties of Westmeath and Longford, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons, so to be Chosen Trustee or Trustees,

to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered, to act to all Intents and Purposes, in as Full, Large and Ample Manner, as the said Trustees are by this Act Impowered to do, and so, Toties quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall Meet at Ballymahon in the County of Longford, on the Second Day of April, in the Year of Our Lord God, One thousand seven hundred and thirty six, and the said Trustees shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-way or Road, to be Repaired, as the said Trustees, or any Five or more of them shall think Proper and Convenient, as often as it shall be Necessary for the putting of this Act in Execution; And if it shall happen, that there shall not Appear at any Meeting that shall be Appointed to be Had or Held by the said Trustees, a Sufficient Number of Trustees to act at such Meeting, and to Adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting,

shall

ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Held, or at ſome other Convenient Houſe near the ſaid Roads, on that Day Fortnight upon which ſuch laſt Meeting of the ſaid Truſtees was Appointed to have been Held; And that the ſaid Truſtees, at their Firſt Meeting, and at all other Subſequent Meetings, ſhall Defray their own Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons Appointed, or to be Appointed by this Act, a Truſtee or Truſtees for putting this Act in Execution, ſhall Have or Accept of any Place of Profit ariſing out of, or by Reaſon of the Toll or Duty by this Act laid or granted, but ſuch Perſon or Perſons ſhall be incapable from the Time of Accepting and Continuing to Enjoy ſuch Place of Profit, of Acting as a Truſtee.

And be it further Enacted by the Authority aforeſaid, That no ſuch Truſtee or Truſtees ſhall, in his or their own Name, or in the Name or Names of any other Perſon or Perſons, Undertake or Contract for the Repair of the ſaid Roads, or any Part of them, whereby any Profit may ariſe to him or them, but that from ſuch time, he or they ſhall ceaſe to be a Truſtee or Truſtees, and that any Perſon

or Persons that shall Undertake or Contract for the Repairing or Amending the said Roads, or any Part of them, shall, if required, take an Oath before the said Trustees respectively, or any Five or more of them, which Oath they have hereby Power to Administer, that he or they do undertake the same for his or their own Use, and not for the Use of, or in Trust for any Trustee or Trustees whatsoever Authorized by this Act.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case the Action shall be Laid in the said Counties of Westmeath or Longford, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act, and if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Nonsuited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if on any

any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially taken Notice of as such by all Judges, Justices and other Persons whatsoever, without specially Pleading the same.

AN

ACT

FOR

Repairing the Road Leading from the Town of *Antrim* in the County of *Antrim*, through the Towns of *Ballymenagh* and *Ballymoney* in the ſaid County, and to the Town of *Coleraine* in the County of *Londonderry*.

G. II. R.

DUBLIN:

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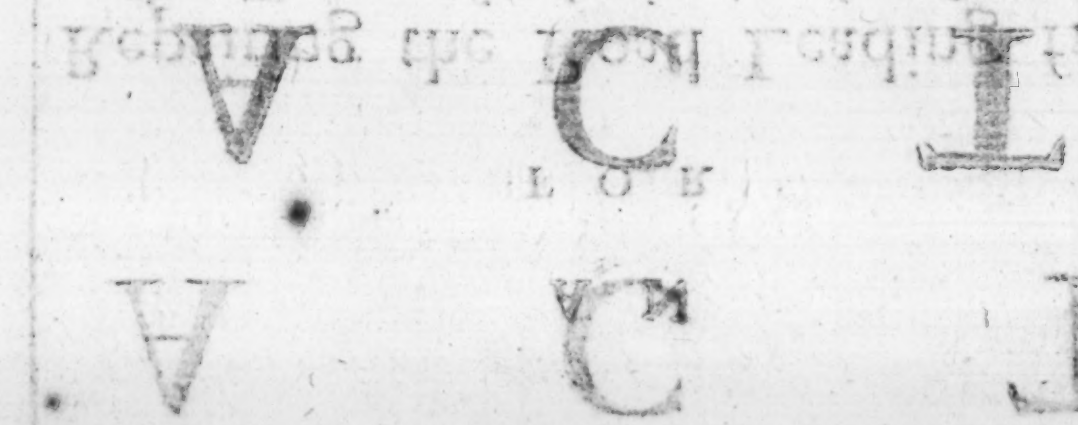


AN

ACT

FOR

Repairing the Road Leading from the Town of *Antrim* in the County of *Antrim*, through the Towns of *Ballymenagh* and *Ballymoney* in the ſaid County, and to the Town of *Coleraine* in the County of *Londonderry*.

CHAP. XV.

WHEREAS the High-way or Road Leading from the Town of Antrim in the County of Antrim, through the Towns of Ballymenagh and Ballymoney in the ſaid County, and to the Town of Coleraine in the County of Londonderry, by Reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame, is be-

come so Ruinous and Bad, that in Winter Season many Parts thereof are Impassable for Waggons, Carts, Cars and Carriages, and very Dangerous for Travellers, and cannot by the Ordinary Course Appointed by the Laws and Statutes of this Realm be effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-way and Road may with convenient Speed be effectually Amended and hereafter Kept in Good and sufficient Repair, so that all Persons may Travel the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending and Keeping in Repair the said High-way or Road, the Right Honourable Alexander Earl of Antrim, the Right Honourable Arthur Earl of Donegall, the RightHonourable Clotworthy Lord Viscount Massareen, the Right Honourable Trevor Lord Viscount Hillsborough, the Right Honourable Marcus Lord Viscount Tyrone, the Right Honourable Brabazon Lord Viscount Duncannon, the Right Honourable Francis Lord Conway, the Right Reverend Francis Lord Bishop of Down and Connor, the Honourable Clotworthy Skeffington, Esq; the Honourable John Skeffington,

Skeffington, Esq; the Honourable Arthur Skeffington, Esq; Sir Robert Adair, Knight, the Honourable Arthur Hill, Esq; Robert Hawkins Magill, John Upton, Esquires, the Right Honourable William Conolly, Esq; Hercules Rowley, Arthur Dawson, Hercules Langford Rowley, John O Neil, Robert Colvill, Charles O Neil, Henry O Hara, Luke Gardiner, George Macartney, Arthur Dobbs, Henry Cary, Thomas Jackson, Rowley Hill, William Hamilton, Hugh Henry, Leslie Corry, Esquires, the Reverend Samuel Hutchinson Dean of Dromore, the Reverend Archibald Stewart Doctor in Divinity, Henry Sandford, Esq; the Reverend Peter Leslie, the Reverend John Gage, the Reverend Philip Mathews, the Reverend Thomas Squire, Doctor in Divinity, the Reverend Skeffington Bristow, the Reverend Joson Finiston, the Reverend John Maxwell, John Houston, Alexander Stewart, Clotworthy O Neil, Kennedy Stafford, Hugh Boyd, Esquires, Doctor Alexander Mc Naghton, Hector Mc Neil, Bartholomew Mc Naghton, William Gage, Edmond M Naghton, Samuel Hutchison, John Cuppaige, James Wilson, William Boyd, Griffin Howard, Archibald Hamilton, William Jackson, Stratford Canning, William Richardson, Richard Hamilton, Arthur Church, William Scot, Hercules Heylands, Charles Church, Esquires, Dominick Heyland, Gent. Captain Edmund Leslie, Captain Robert Stewart, Captain James Stewart, Oliver O Hara, Esquires, Fœlix O Neil, William Mc Cullogh, John Hamilton of Ballynegarvey, Esqs; William

liam Ker, Gent. Farmer Glover, Gent. James M^c Kedie, Merchant, John Henry of Ballymoney, Merchant, Andrew Boyd of the same, Merchant, John Smart, William Moor of Dromnahaghi, William Moor of Desordarin, Daniel M^c Neil of Killowguin, Francis Willoughby and Gawin Steel of Craigs, Gent. and the Survivors of them, shall be, and are hereby Nominated and Appointed Trustees of the said Road, and they, or any Five or more of them, or such Person or Persons, as they, or any Five or more of them, shall Authorize and Appoint, shall and may Erect or cause to be Erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross any Part or Parts of the said High-Way and Road; And also, a Toll-House or Toll-Houses, and there shall Receive and Take the Tolls and Duties following, before any Horse, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Carr or other Carriages, shall be permitted to pass through the same (Viz.) For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of one Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by any Lesser Number of Horses, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair,

Drawn

Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or other Carriage, with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares or Geldings or Oxen, the Sum of Two Shillings and Six Pence; For any Cart, or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage commonly Called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, excepting Carrs Loaden with Turf, and for each of them, and for any Horse or other Cattle, Loaden with Turf, not Drawing, One Penny; For every other Horse, Mare, Gelding, Mule or Als, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the

Money to to be Raiſed as aforeſaid, is, and ſhall hereby be Veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be Paid, Applied, and Diſpoſed of and Aſſigned to and for the ſeveral Uſes, Intents and Purpoſes, and in ſuch Manner, as is herein after Mentioned and Directed; And the ſaid Truſtees, or any Five or more of them, are hereby Impowered by themſelves, or any Perſon or Perſons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Perſon or Perſons, who ſhall, after Demand made thereof, Neglect or Refuſe to Pay the ſame, by Diſtreſs of any Horſe or Horſes, or other Cattle or Goods, upon which ſuch Toll or Duty is by this Act Impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons, who ought to Pay the ſame, and may Detain and Keep the ſame, until ſuch Toll or Duty, with the Reaſonable Charges of ſuch Diſtraining and Keeping, ſhall be Paid; And it ſhall and may be Lawful to and for the Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods Diſtrained, Rendring the Overplus (if any be) upon Demand to the Owner thereof, after ſuch Toll, Duty and Reaſonable Charges for Diſtraining and

Keeping

Keeping the ſame, ſhall be Deducted and paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall Firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike and Turn-pikes, or Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the ſaid Road Leading from the Town of Antrim in the County of Antrim, through the Towns of Ballymenagh and Ballymoney in the ſaid County, and to the Town of Coleraine in the County of Londonderry ſhall be Applied for and towards the Repair of the ſaid Road only, and not elſewhere.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, Owning, Renting or Occupying any Land, near unto any Turn-pike to be Erected in Purſuance of this Act, ſhall for Gain, Reward or otherwiſe, Permit any Perſon or Perſons whatſoever to Paſs through any Gate, Paſſage or Way, with any Coach, Ber-

lin, Chariot, Calath, Chaise or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horse, Ass, Mule, or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be paid, and shall be thereof Convicted, upon Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-way or Road, Cross any Way or Lane Leading out of the said Road, and

Toll-

Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge, in Case of passing through any other of the Turn-pikes to be Erected by Virtue of this Act, from the Road Leading from the Town of Antrim in the County of Antrim, through the Towns of Ballymenagh and Ballymoney in the said County, and to the Town of Coleraine in the County of Londonderry.

And be it Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may, Elect, Nominate and Appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and payable by Virtue of this Act; And also, One or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said High-way or Road, and to take Care that the same be Amended and Repaired, and that the Money Arising and Expended by Virtue of this Act be duly Applied; And shall and may from Time to Time Remove such Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and Appoint new Ones in Case of Death or

of such Removal; And all and every Person or Persons as is or are by this Act Liable to pay the said Toll or Duty, is and are hereby Required to pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from Time to Time Appointed as aforesaid for the Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, and Surveyor or Surveyors, as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace, Residing near the High-way or Road aforesaid (which Oath such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby Impowered and Required to Administer) on the First Tuesday in every Month or oftner (if required) during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be Taken; And in Case any Money so Received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person

or

or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disburled and Laid out in Amending the said High-Way or Road, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been, or shall be Assisting in and about Procuring the said High-Ways or Roads to be Amended and Repaired, by Advancing or Laying out any Money, or otherwise Relating thereunto, as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings per Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any

other Perſon or Perſons who ſhall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Perſon; And in Caſe the ſaid Receiver or Receivers, Collector or Collectors, of the aforeſaid Toll or Duty, Surveyor or Surveyors, or any of them, ſhall not make ſuch Account and Payment unto ſuch Perſon or Perſons, according to the Orders and Directions of the ſaid Truſtees, or any Five or more of them, as aforeſaid, That then the Juſtices of the Peace at any ſpecial Seſſions or Meeting of them, to be Holden for the County in which the ſaid Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors have Acted or been Employed and made ſuch Default as aforeſaid, ſhall, and are hereby Required and Impowered to make Enquiry, and finally to Determine of, and concerning ſuch Default, as well by the Confeſſion of the ſaid Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, which Oath they are hereby Impowered and Required to Adminiſter without Fee or Reward; And if any Perſon or Perſons ſhall be Convicted thereof by ſuch Juſtices, the ſaid Juſtices ſhall, upon ſuch Conviction, commit the Party or Parties to the Common Goal of the County where ſuch Offence ſhall be committed, there to Remain without

out

out Bail or Mainprize until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor and Surveyors, and such Person or Persons, as he or they shall Appoint to Dig, Raise, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones or other Materials, out of any Waste or Common, of any Parish, Town, Village or Hamlet, in or near which any Founderous or Ruinous Places of the said High-way or Road do Lie; And for Want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same out of the Waste or Common, of any Neighbouring Parish, Town, Village or Hamlet, without Paying any Thing for the same; And where there is not Sufficient of such Materials, in any Common or Waste Grounds near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same in the Several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are or may be found, and from Time to Time to Carry away such

and ſo much thereof, as the ſaid Surveyor or Surveyors in their reſpective Places ſhall Adjudge Neceſſary for the Amending and Repairing the ſaid High-way or Road, Paying ſuch Rates for ſuch Materials, to the Owner or Occupier of the Ground, from whence the ſame ſhall be Digged, Raiſed, Gathered and Carried away, as the Truſtees Appointed or to be Appointed to put this Act in Execution, ſhall Adjudge Reaſonable; And in Caſe of any Difference between ſuch Owner or Occupier and the ſaid Truſtees, touching the Damage aforeſaid, the Judges of Aſſize at the next General Aſſizes and General Goal-delivery to be Holden in the County where ſuch Materials ſhall be Digged, Raiſed or Gathered, and from whence the ſame ſhall be Carried away, may and ſhall Adjudge, Aſſeſs and Finally Determine the ſame.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the Surveyor or Surveyors, and ſuch Perſon and Perſons, as he or they ſhall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the ſaid High-way or Road hereby Intended to be Repaired, by Filth, Dung, Aſhes, Rubbiſh, Water-Courſes, Sinks or Drains, Running into the ſaid High-way or Road, and to Cleanſe any Ditch or Water-courſes Adjoyning to the ſaid Road, and to Cut

down,

down, Lop or Top any Trees or Bushes, growing on the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same; The Owner or Occupier, Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed, the said Surveyor or Surveyors, by such Owners or Occupiers, Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons, shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County where such Offence shall be Committed, shall for every such Offence, Forfeit and pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in Manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to

Make or Cause to be Made, Causeways, and to Cut and Make Drains through any Grounds lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone thereupon; And also, to Widen any of the Narrow Parts of the said High-way or Road, by Opening, Clearing or Laying into the said High-way or Road, any Ground of any Person or Persons, lying Contiguous to such High-way or Road, not being Built upon, nor a House, Garden, Orchard, Yard, Planted Walk or Avenue to a House; And also, to cause Ditches or Trenches to be Made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary for the better Amending and Keeping the said High-way or Road in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid into the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby Sustain, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in

which

which such Ground lies, which shall be Laid into the said High-way or Road, and through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-courses, Ditch or Ditches, Adjoining to the said High-way or Road, shall Neglect or Refuse to Scour or Clean such Water-courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the said Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And whereas the said High-Way or Road, Leading from the said Town of Antrim in the County of Antrim, to the Town of Coleraine in the said County of Londonderry, may be considerably Shortned, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be Given for the Land made Use of, in Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe and Set a-part such a Part and Proportion of the Lands, Adjoyning or Contiguous to the said High-Way or Road, as they the said Trustees, or any Nine or more of them, shall Judge necessary for Carrying the same Straight and in a Direct Line, so that no House or other Building be Removed or Altered thereby, and so that any Part of the Lands so to be Set a-part, be not Part of a Garden, Orchard, Yard, Planted Walk, or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or any Nine or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others, Interested in the

said

said Ground, to be Made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same, out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Nine or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability, by non Age, Coverture or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot or otherwise howsoever shall Refuse to Dispose of their respective Interests in such Land, as the said Trustees, or any Nine or more of them, shall think convenient for the Shortning of the said Road, in every such Case the said Trustees, or any Nine or more of them, are hereby Authorized and Impowered to Issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County, wherein such Ground doth lie, to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place within the said County, as shall be appointed in such Warrant or Warrants, a Sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Impowered and Required to Administer) shall Inquire into the true and Real Value of such

Ground, to be Made Use for the said High-Way or Road; And such Verdicts or Inquisitions as shall be so found and returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money so to be Collected, by such Receipt of the said Toll, will not at present be Sufficient for the Speedy Repairing of the said High-Way or Road,

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Cost and Charges whereof to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and be Disposed

posed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to Make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become Due, until such Time as the Principal Sum, Mentioned in such Warrant or Order, shall be Paid off and Discharged, at one intire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her or their Executors or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such War-

rants or Orders, which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose (which the said Treasurer or Receiver, shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, on the like Request, Permit to be Viewed at reasonable Hours, without Fee or Reward) shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned, and that the said Warrant or Order, may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so Toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who Made such Assignment, to make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out, in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbered.

And

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed, in Pursuance of this Act, and towards Repairing the said Roads; And that all the Surplus of the said Tolls and Duties hereby made Payable, over and above what shall be Sufficient to Discharge the said Interest and Repair the said Roads, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner herein after Mentioned, (Viz.) That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two hundred Pounds, that then the said Treasurer or Receiver, shall cause the Number of all the Warrants or Orders which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and to be put into a Box or Urn and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Trustees or Receiver Publickly Advertised in the Dublin-Gazette, for that Purpose, at least Twenty Days before, at the

Town of Ballymenagh, in the County of Antrim, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sum therein Contained shall Amount to the Sum of Two hundred Pounds, and the Person or Persons, the Number of whose Warrants or Orders, shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders, to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly; And the Interest Payable by Virtue of such Warrants or Orders, shall Cease, from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That any Person Chargeable by any Law now in Being towards the Repairing the said High-Way or Road, shall Yearly, during the Continuance of this Act, Do and Perform two Days of the Work commonly called The Statute-Work, which is Appointed by the Laws now in Being for the Amending of the

High-Ways

High-Ways in this Kingdom, in such Manner, Place and Places, being part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed by Virtue of this Act, shall by Writing under his or their Hand or Hands from Time to Time Order and Direct, and shall not be again Chargeable for the same by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever, and also, that the respective Surveyor or Surveyors for the Time being, of all and every Parish and Parishes, in which the said High-Way and Road intended to be Repaired by this Act do lye, shall yearly, and every Year, within four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being Appointed by Virtue of this Act, give a List or an Account in Writing under his or their Hands, of the Name or Names of all and every Person or Persons in the said respective Parishes, who are by the Laws now in Force chargeable towards the Repairing of the High-Ways of the said respective Parishes, and what he or they is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed, by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall within Three Days next after

ter Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to do the said Two Days Work in and upon the said Road to be Repaired by this Act, either Summon, or give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons keeping a Team, Cart, Car or other Carriage, and Chargeable towards the Repairing the High-Ways as aforesaid, shall neglect or refuse to Do and Perform the said Two Days Work in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be given as aforesaid, he or they respectively shall Forfeit and Pay the Sum of Five Shillings for each of the Two Days such Person or Persons keeping a Team, Cart, Car or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards the Repairing the High-Ways of the said Parishes, shall at any Time neglect or refuse after such Summons or Publick Notice Given as aforesaid, to Do and Perform

form the said Two Days Work in the said High-Way by this Act intended to be Repaired, he or they shall respectively Forfeit and pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of one or more Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to Administer, and the said Penalties and Forfeitures beforementioned when Recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained (the Charges of such Distress and Sale being first Deducted) shall go to, and be applied for and towards amending the said High-Way intended by this Act to be Repaired, in like Manner as the Toll intended by this Act is to go and be Applied.

Provided allways, That in Case there shall be more than one Gate or Turnpike in, cross or on the Side of the said High-way or Road between the said Town of Antrim in the County of

Antrim, through the Towns of Ballymenagh and Ballymoney in the said County, and to the Town of Coleraine in the County of Londonderry, no Person or Persons, having paid the Toll or Duty at the first Gate or Turn-pike through which such Person or Persons shall pass, and producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket, the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon the said High-way or Road, Such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty at the Latter Gate or Turn-pike the same Day; And no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is Taken, who shall Return the same Day upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Car, or other Carriage, shall be Liable or Compellable the same Day to Pay the said Toll or Duty, more than Once on the same Road.

And for Preventing Frauds and Abuses in the said Toll or Duty:

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having

having paid the Toll or Duty by this Act Granted and made payable, and having such Note or Ticket, Notes or Tickets, as are hereby Required, shall Give or Dispose of the same to any other person or persons, in Order to Avoid the payment of the said Toll or Duty, Every such person Giving, Disposing or Offering, and the person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Witness or Witnesses, before the said Trustees or any Five or More of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath, the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered and Disposed of, by this Act.

Provided allways, And it is hereby Declared, That, During the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, or for any Member, to Serve in Parliament for any Boroughs in the said Counties respectively;

Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or More of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think Fit, to Compound or Agree by the Year, or Otherwise, with any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare, Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Car, or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time, after such Agreement shall be Made.

Provided also, And it is hereby Declared, That no Person shall be Chatged with any of the Tolls or Duties aforesaid, who shall Pass through any of the Turn-pikes to be Erected by this Act, who shall Carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads in the Parishes in which the same do Lie, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Cars or Waggons Loaded with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or

Repairing

Repairing of the ſame, in the ſeveral Pa-riſhes in which the ſaid High-ways or Roads hereby Intended to be Repaired do Lie; Nor ſhall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horſe, Mare, Gelding, Aſs or Mule, or other Cattle Going to Water, or for any Poſt-Horſe Carrying the Mail or Patket, or for ſuch Horſe as is or ſhall be Uſed only to Ride on by the Owner or Driver of any Waggon, Cart or Car-riage, Provided ſuch Horſe Paſs through the ſaid Turn-pike or Turn-pikes with ſuch Waggon, Cart or Cartiage; Nor ſhall any Toll or Duty be Demanded or Taken for the Horſes of Soldiers paſſing that are upon their March, or for Wag-gons, Carts, Cars, or other Carriages Travelling with Vagrants ſent by Paſ-ſes, or with Priſoners Tranſmitted from one Part of this Kingdom to another.

And be it further Enacted by the Au-thority aforeſaid, That the Toll or Duty hereby Granted ſhall take Place and have Continuance from and after the Firſt Day of May One thouſand ſeven hundred and thirty ſix, for and During the Term of Forty One Years.

Provided nevertheleſs, That if, at any Time before the Expiration of the ſaid Term of Forty One Years, all Parts of the ſaid Road ſhall be ſufficiently Amend-ed and Repaired, and ſo Adjudged by the

Majority of Truſtees Appointed, or hereafter to be Choſen by Virtue of this Act, by an Adjudication Made, and Re-payment of ſuch Money as ſhall have been Advanced or Borrowed, with Intereſt for the ſame, and the Coſts and Charges thereof, the ſaid Tolls and Duties ſhall Ceaſe and Determine; Any Thing herein Contained to the Contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That for the Continuing a Sufficient Number of able Perſons to be Truſtees, for putting in Execution all and every the Powers in this Act Contained, for and during the Continuance thereof, it ſhall and may be Lawful, to and for the ſaid Truſtees, or any Five or more of them, upon the Death of any of the ſaid Truſtees, or their Removal or Refuſing to act in the ſaid Truſt, from Time to Time, and at all Times hereafter, during the Term aforeſaid, to Elect, Nominate and Appoint, in the Room of ſuch Truſtee or Truſtees, ſo Deceaſed, Removed or Refuſing to act, another fit and able Perſon, or ſo many more fit and able Perſons, Living in the ſaid County of Antrim, to be Joined with the ſaid Truſtees, in the Execution of all and every the Power and Powers in them Repoſed, by Virtue of this Act; And all and every Perſon or Perſons, ſo to be Choſen Truſtee or Truſtees,

to

to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to act, to all Intents and Purposes, in as Full, Large and Ample Manner, as the said Trustees are by this Act Impowered to do, and so, Toties quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall Meet at Ballymenagh in the County of Antrim, on the First Thursday in the Month of May, One thousand seven hundred and thirty six, and the said Trustees shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said Highway or Road, to be Repaired, as the said Trustees, or any Five or more of them shall think Proper and Convenient, as often as it shall be Necessary for putting this Act in Execution; And if it shall happen, that there shall not Appear at any Meeting which shall be Appointed to be Had or Held by the said Trustees, a Sufficient Number of Trustees to act at such Meeting, and to Adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet

at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Held, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fortnight upon which ſuch laſt Meeting of the ſaid Truſtees was Appointed to have been Held; And that the ſaid Truſtees, at their Firſt Meeting, and at all other Subſequent Meetings, ſhall Defray their own Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons Appointed, or to be Appointed by this Act, a Truſtee or Truſtees for putting this Act in Execution, ſhall Have or Accept of any Place of Profit ariſing out of, or by Reaſon of the Toll or Duty by this Act laid or granted, but ſuch Perſon or Perſons ſhall be incapable from the Time of Accepting and Continuing to Enjoy ſuch Place of Profit, of Acting as a Truſtee.

And be it further Enacted by the Authority aforeſaid, That if any Suit ſhall be Commenced againſt any Perſon or Perſons for any Thing done in Purſuance of this Act, that in every ſuch Caſe the Action ſhall be Laid in the County of Antrim, and not elſewhere, and the Defendant or Defendants in ſuch Action or Actions to be brought, may plead the General Iſſue, and give this Act and the Special Matter in Evidence,

dente, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act, and if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Nonsuited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially taken Notice of as such by all Judges, Justices and other Persons whatsoever, without specially Pleading the same.

AN

ACT

For Accepting the

Solemn Affirmation or Declaration

Of the PEOPLE Called

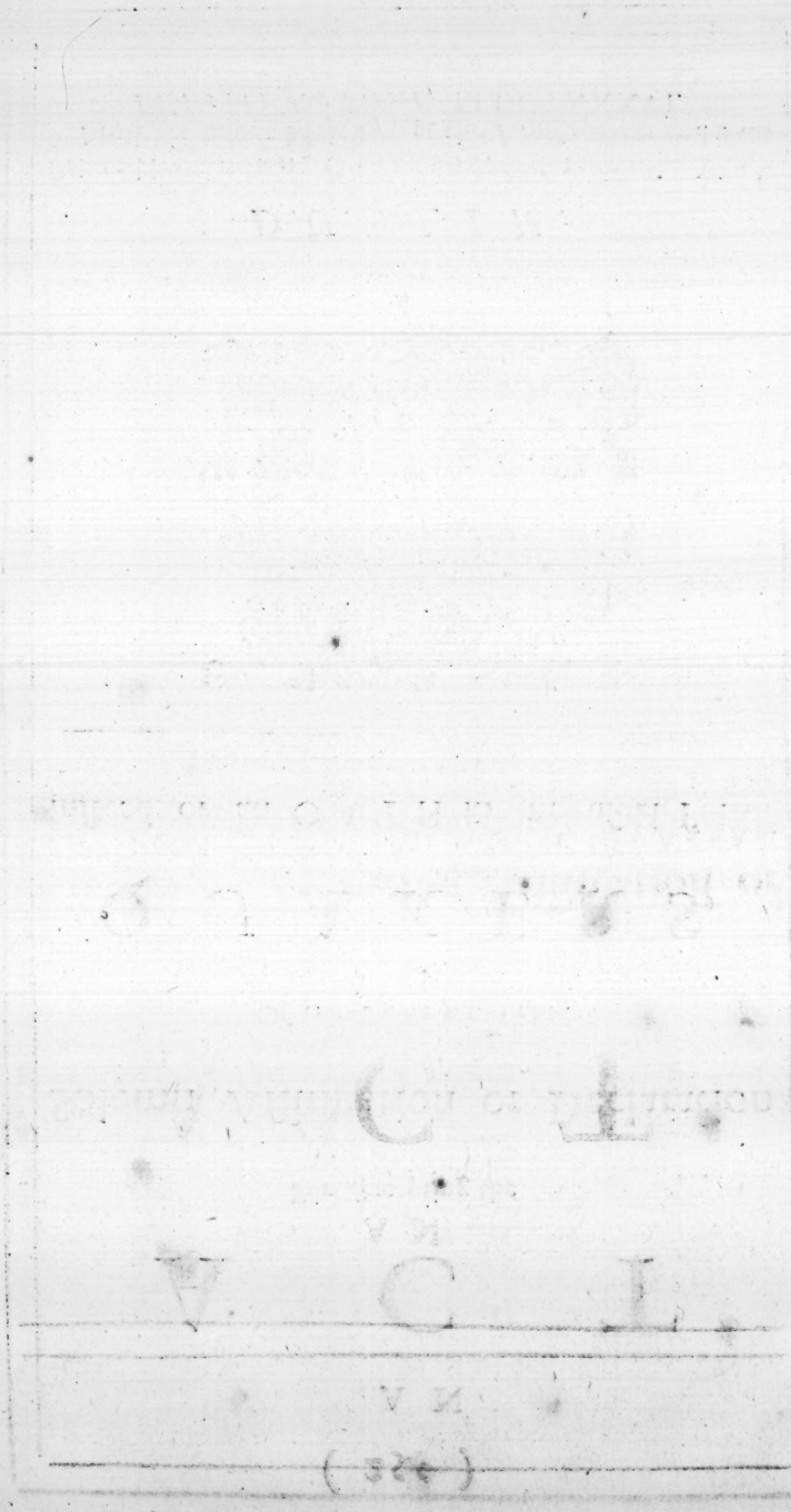
QUAKERS,

Inſtead of an OATH in the uſual Form.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXVI.



AN

ACT

FOR

Accepting the Solemn Affirmation or Declaration of the People called QUAKERS, inſtead of an Oath in the uſual Form.

CHAP. XVI.

WHEREAS by an Act paſſed in the Firſt Year of the Reign of his preſent Moſt Excellent Majeſty King George the Second, Intituled, An Act for Accepting the Solemn Affirmation or Declaration of the People called Quakers, inſtead of an Oath in the uſual Form; It is Enacted, That from and after the Twenty Fifth Day of *March*, which was in the Year of Our Lord, One thouſand ſeven hundred and twenty eight,

every Quaker within this Kingdom, who ſhall be Required upon any Lawful Occaſion to take an Oath in any Caſe, where by Law an Oath is Required, ſhall, inſtead of an Oath in the uſual Form, be permitted to Make his or her Solemn Declaration or Affirmation in thoſe Words following:

I A. B. *do Solemnly, Sincerely and Truly Declare and Affirm:*

Which ſaid Act being only Temporary, will Expire at the End of this Preſent Seſſion of Parliament.

And whereas it is Evident, That the ſaid People Called Quakers have not Abuſed the Liberty and Indulgence Allowed them by Law, but on the Contrary have Given Manifeſt Teſtimony of their Fidelity and Good Affection to His Majeſty, and the Settlement of the Crown in the Proteſtant Line; And it is therefore Reaſonable to Give them the ſame Eaſe and Relief, as is Provided for them by the ſaid Former Act:

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this Preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Laſt Day of this Preſent Seſſion of Parliament, every Quaker within this Kingdom, who ſhall be Required

Required upon any Lawful Occasion to Take an Oath, in any Case where by Law an Oath is Required, shall, Instead of an Oath in the Usual Form, be Permitted to Make his or her Solemn Declaration or Affirmation, in these Words following, (Viz.)

I *A. B.* do Solemnly, Sincerely and Truly Declare and Affirm:

Which said Solemn Declaration or Affirmation shall be Adjudged and Taken: And be it Enacted by the Authority aforesaid, That the Same be Adjudged and Taken to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice, and other Places where by Law an Oath is Required, or shall Hereafter be Required within this Kingdom, as if such Quaker had Taken an Oath in the Usual Form.

And be it further Enacted by the Authority aforesaid, That every Person who shall have Made such Solemn Declaration or Affirmation as aforesaid, and shall be Lawfully Convicted of Wilfully, Falsly and Corruptly having Declared or Affirmed any Matter or Thing, which, if the same had been Sworn in the Usual Form, would have Amounted to Wilful and Corrupt Perjury, shall Incur the same Penalties and Forfeitures as, by the Laws and Statutes of this

Realm, are Enacted againſt Perſons Convicted of Wilful and Corrupt Perjury.

Provided allways, And be it further Enacted by the Authority aforeſaid, That no Quaker, or Reputed Quaker, ſhall, by Virtue of this Act, be Qualified or Admitted to Give Evidence in any Criminal Cauſes, or Serve on any Juries, or Bear any Place, Office or Employment of Truſt or Profit under the Government; Any Thing in this Act Contained to the Contrary thereof in any Wiſe notwithſtanding.

Provided alſo, That no Perſon or Perſons ſhall be Deemed a Quaker or Quakers within the Intention of this Act, unleſs he, ſhe or they ſhall Affirm, in the Form aforeſaid, That he, ſhe or they is or are of the Profeſſion of the People Called Quakers, and hath or have been ſo for One Year then laſt paſt.

And be it Enacted by the Authority aforeſaid, That this Act ſhall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without Specially Pleading the ſame.

Provided, That this Act ſhall Continue in Force for the Space of Eleven Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

AN

AN

ACT

FOR

Repairing the Road Leading from the Bridge commonly called *Ban-Bridge*, over the *Ban-water* in the County of *Down*, to *Randalſtown* in the County of *Antrim*.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.

CHAP. XVII.

A N

A C T

F O R

Repairing the Road Leading from the Bridge Commonly Called *Ban-Bridge*, over the *Ban-Water* in the County of *Down*, to *Randalſtown* in the County of *Antrim*.

CHAP. XVII.

WHEREAS the High-Way or Road Leading from the Bridge over the Ban-Water, commonly called the Ban-Bridge in the County of Down, to Randalſtown in the County of Antrim, by Reaſon of the ſeveral Hollow Ways, and of the many and heavy Carriages frequently paſſing through the ſame, is become ſo Ruinous and Bad, that in Winter Seaſon many Parts thereof are Impaſſable for

Waggons, Carts, Cars and Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm be effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-Way and Road may with convenient Speed be effectually Amended and hereafter Kept in Good and sufficient Repair, so that all Persons may Travel thyough the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending and Keeping in Repair the said High-Way or Road, the Right Honourable Alexander Earl of Antrim, the Right Honourable Arthur Earl of Donegall, the RightHonourable Clotworthy Lord Viscount Massareen, the Right Honourable Francis Lord Baron Conway, the Right Reverend Francis Lord Bishop of Down and Connor, the Right Reverend Henry Lord Bishop of Dromore, the Right Reverend Charles Lord Bishop of Kildare, Sir John Rawden, Baronet, the Honourable Clotworthy Skeffington, Esq; the Honourable John Skeffington, the Honourable Arthur Skeffington, Robert Magill, Esquires, Arthur Hill, Esq; John Upton, Esq; Charles O Neil, Esq;

Henry

Henry O Hara, Eſq; George Macartney, Arthur Dobbs, Eſquires, John Lyndon, Eſq; Robert Colvil, Eſq; Hugh Henry, Eſq; Hercules Rowley, Eſq; Langford Rowley, Eſq; William Hamilton, Eſq; Richard Johnſton, Eſq; Samuel Warring Junior, Eſq; Thomas Warring, Eſq; Samuel Cloſe, Eſq; Hugh Boyd, Eſq; Bartholomew Mc Naughton, Eſq; Alexander Stewart, Eſq; Solomon White, Eſq; William Brownlow, Eſq; Rowley Hill, Eſq; Clotworthy O Neil, Eſq; Arthur Dawſon, Eſq; John Huſton, Eſq; John O Neil, Eſq; John Bateman, Eſq; Thomas Prior, Eſq; John Stothard, Eſq; Kennedy Stafford, Eſq; John Moore, Eſq; Sir Robert Adair, Baronet, Arthur Upton, Eſq; John Cuppadge, Eſq; the Reverend Doctor Stewart, the Reverend Dean Hutchinſon, the Reverend David Barry, Mr. William Mc Culagh, Mr. Charles Briſtow, Mr. Adam Stothard, Mr. Chriſtopher Jenny, the Reverend William Rowan, Mr. Henry Shaw, Mr. Francis Shean, the Reverend Mr. Skeffington Briſtow, the Reverend Mr. Edward Higginſon, Mr. Samuel Briſtow, the Reverend Mr. Joſeph Finniſton, the Reverend Mr. John Walſh, the Reverend Mr. William Hartſton, Mr. Mathew Stothard, the Reverend Mr. George Houſe, the Reverend Mr. Thomas Smith, the Reverend Mr. Anthony Walſh, the Reverend Mr. Peter Leſlie, Mr. Henry Cloſe, the Reverend Mr. Arthur Workman, the Reverend Mr. Redmond Smith, Mr. John Warring, Thomas Crafford, Eſq; Edmond Leſlie, Eſq; Felix O Neil, Eſq; Mr. John Reily and

Mr. Peter Maſon, and the Survivors of them, ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or acroſs any Part or Parts of the ſaid High-Way and Road; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr or other Carriage, ſhall be permitted to Paſs through the ſame (Viz.) For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of one Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by any Leſſer Number of Horſes, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Chaiſe, Calaſh or Chair, Drawn with Two Horſes, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or Carriage, with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart or Carriage, with Two Wheels, Drawn by more than Two Horſes, Mares or Geldings or Oxen, the

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Sum of Two Shillings and Six Pence; for any Cart, or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage commonly Called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, excepting Carrs Loaden with Turf, and for each of them, and for any Horse or other Cattle, Loaden with Turf, not Drawing, One Penny; For every other Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Five Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees, and the same, and every Part thereof, shall be Paid, Applied, and Disposed of and Assigned to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Men-

tioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand made thereof, Neglect or Refuse to Pay the same, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to Pay the same, and may Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distraining or Keeping, shall be Paid; And it shall and may be Lawful to and for the Person or Persons so Distraining, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after such Toll, Duty and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall First Pay and Discharge the Expence

pence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the Road Leading from the Bridge over the Ban-Water, Commonly Called the Ban-Bridge in the County of Down, to the Town of Randalstown in the County of Antrim, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land, near unto any Turn-pike to be Erected in Pursuance of this Act, shall for Gain, Reward or otherwise, Permit any Person or Persons whatsoever to Pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horse, Ass, Mule, or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Five or more of

them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-way or Road, Cross any Way or Lane Leading out of the said Road, and Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge, in Case of Passing through any other of the Turn-pikes to be Erected by Virtue of this Act, from the Bridge over the Ban-Water, Commonly Called the Ban-

Bridge

Bridge, in the County of Down, to the Town of Randalstown in the County of Antrim. And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at the First Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may, Elect, Nominate and Appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act; And also, One or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said High-Way or Road, and to take Care that the same be Amended and Repaired, and that the Money Arising and Expended by Virtue of this Act be duly Applied; And shall and may from Time to Time Remove such Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and Appoint new Ones in Case of Death or of such Removal; And all and every Person and Persons as is or are by this Act Liable to Pay the said Toll or Duty, is and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from Time to Time Appointed as aforesaid for the Receiving the said Toll or Duty; And such Receiver and Receivers,

Collector and Collectors, Surveyor and Surveyors as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace, Residing near the High Way or Road aforesaid (which Oath such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby Impowered and Required to Administer) on the First Tuesday in every Month or oftner (if required) during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have Received, Paid and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be Taken; And in Case any Money so Received shall remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such

such Account shall be given, shall and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been, or shall be Assisting in and about Procuring the said High-way or Road to be Amended and Repaired, by Advancing or Laying out any Money, or otherwise Relating thereunto, as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings a Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions

of the ſaid Truſtees, or any Five or more of them, as aforeſaid, That then the Juſtices of the Peace at any ſpetial Seſſions or Meeting of them, to be Holden for the County in which the ſaid Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors have Acted or been Employed and made ſuch Default as aforeſaid, ſhall, and are hereby Required and Impowered to make Enquiry, and finally to Determine of, and concerning ſuch Default, as well by the Confeſſion of the ſaid Parties themſelves, as by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath, which Oath they are hereby Impowered and Required to Adminiſter without Fee or Reward; And if any Perſon or Perſons ſhall be Convicted thereof by ſuch Juſtices, the ſaid Juſtices ſhall, upon ſuch Conviction, commit the Party or Parties to the Common Goal of the County where ſuch Offence ſhall be committed, there to Remain without Bail or Mainprize until he or they ſhall have made a True and perfect Attount, and Payment as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Surveyor and Surveyors, and ſuch Perſon or Perſons, as he or they ſhall Appoint to Dig, Raiſe, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones or other Materials,

terials, out of any Waste or Common, of any Parish, Town, Village or Hamlet, in or near which any Foundetous or Ruinous Places of the said High-way or Road do Lie; And for Want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same out of the Waste or Common, of any Neighbouring Parish, Town, Village or Hamlet, without Paying any Thing for the same; And where there is not Sufficient of such Materials, in any Common or Waste Grounds near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same in the Several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are or may be found, and from Time to Time to Carry away such and so much thereof, as the said Surveyor or Surveyors in their respective Places shall Adjudge Necessary for the Amending and Repairing the said High-way or Road, Paying such Rates for such Materials, to the Owner or Occupier of the Ground, from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed or to be Appointed to put this Act in

Execution, shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier and the said Trustees, touching the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal-delivery to be Holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person and Persons, as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any part of the said High-way or Road hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses Adjoyning to the said Road, and to Cut down, Lop or Top any Trees or Bushes, Growing on the said High-way, or in the Hedges of Banks Adjacent to the said High-way, and to Take and Carry away the same; The Owner or Occupier, Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of Five of the said

Trustees,

Truſtees, the Charges whereof ſhall be Reimburſed, the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers, Neglecting to Cut down the ſaid Trees or Buſhes, or to Remove ſuch other Annoyances as aforeſaid; And if after Removal of any ſuch Annoyances, any Perſon or Perſons, ſhall again Offend in like Kind, every ſuch Perſon or Perſons ſo Offending, and being thereof Convicted, upon the Oath of One or more Credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County where ſuch Offence ſhall be Committed, ſhall for every ſuch Offence, Forfeit and Pay unto the ſaid Truſtees where ſuch Offence ſhall be Committed, Ten Shillings, to be Levied in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to Make or Cauſe to be Made, Cauſeways, and to Cut and Make Drains through any Grounds lying Contiguous to the ſaid Road, and to Erect Arches of Brick, Timber or Stone thereupon; And alſo, to Widen any of the Narrow Parts of the ſaid High-way or Road, by Opening, Clearing and Laying into the ſaid High-way or Road, any Ground of any Perſon or Perſons, lying Contiguous to ſuch High-way or Road, not being Built

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upon, and not being a Garden, Orchard, Yard, planted Walk or Avenue to a House; And also, to cause Ditches or Trenches to be Made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary for the better Amending and Keeping of the said High-way or Road in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby Sustain, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in which such Ground lies, which shall be Laid into the said High-way or Road, or through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-courses, Ditch or Ditches, Adjoining to the said High-way or Road, shall Neglect or Refuse

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to Scour or Clean such Water-courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And whereas the said High-Way or Road, Leading from the said Bridge to the Town of Randalstown, may be considerably Shortned, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be Given for the Land made Use of, in

Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, to Ascertain, Describe and Set a-part such a Part and Proportion of the Lands, Adjoyning or Contiguous to the said High-Way or Road, as they the said Trustees, or any Fifteen or more of them, shall Judge necessary for Carrying the same Straight and in a Direct Line, Provided that no Part of the said Lands so to be Set a-part, be built on, and that the same be not Part of any Garden, Orchard, yard, Planted Walk, or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or any Fifteen or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others, Interested in the said Ground, to be Made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Fifteen or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability, by non Age, Coverture or Special Limitation in any

Settlement

Settlement or Settlements, or by Reason of any other Impediment cannot or otherwise howsoever shall Refuse to Dispose of their respective Interests in such Land, as the said Trustees, or any Fifteen or more of them, shall think convenient for the Shortning of the said Road, in every such Case the said Trustees, or any Fifteen or more of them, are hereby Authorized and Impowered to Issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County, wherein such Ground doth lie, to Impannel and Return before the said Trustees, or any Fifteen or more of them, at such Time and Place within the said County, as shall be appointed in such Warrant or Warrants, a Sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Fifteen or more of them, are hereby Impowered and Required to Administer) shall Inquire into the true and Real Value of such Ground, to be Made Use of for the said High-Way or Road; And such Verdicts or Inquisitions as shall be so found and returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money so to be Collected, by such Receipt of the said

Toll, will not at present be Sufficient for the Speedy Repairing of the said High-Way or Road,

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Cost and Charges whereof are to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to Make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Toll, Requiring him to Pay there-

thereout, to the Perſon or Perſons Named in ſuch Warrant or Order, their Executors, Adminiſtrators or Aſſigns, the growing Intereſt of the Sum of Money Mentioned in ſuch Warrant or Order, as the ſame ſhall from Time to Time become Due, until ſuch Time as the Principal Sum, Mentioned in ſuch Warrant or Order, ſhall be Paid off and Diſcharged, at one intire Payment: Provided that no Warrant or Order to be Iſſued to the ſaid Treaſurer or Receiver by Virtue of this Act, ſhall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon or Perſons, to whom ſuch Warrants or Orders ſhall be given, his, her or their Executors or Adminiſtrators, may, by Indorſements on ſuch Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in ſuch Warrants or Orders, which Indorſements, upon Notice to the Treaſurer or Receiver of the ſaid Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpoſe (which the ſaid Treaſurer or Receiver, ſhall, upon Requeſt, without Charge, Fee or Reward, Make accordingly, and ſhall, on the like Requeſt, Permit to be Viewed at reaſonable Hours, without Fee or Reward) ſhall Intitle the Indorſee or Aſſignee, his or her Executors, Adminiſtrators or Aſſigns, to the

Sole Benefit of the Sum so Transferred or Assigned, and that the said Warrant or Order, may in like Manner be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so Toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons, who Made such Assignment, to make Void, Releale or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls, shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out, in Pursuance of this Act, and as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed, in Pursuance of this Act, and towards Repairing the said Road; And that all the Surplus of the said Tolls and Duties hereby made Payable, over and above what shall be Sufficient to Discharge the said Interest and Repair the said Road, shall be Applied in

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Diſcharge of the Principal Money ſo Borrowed, in the Manner herein after Mentioned, (Viz.) That when, and as often as ſuch Surplus Received by the ſaid Treaſurer or Receiver, ſhall Amount to the Sum of Two hundred Pounds, then the ſaid Treaſurer or Receiver, ſhall cauſe the Number of all the Warrants or Orders which ſhall be Iſſued and Delivered out, in Purſuance of this Act, and the Sums therein Contained, to be Written on ſeveral Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn and well Mixed together, and an Indifferent Perſon to be Appointed by the ſaid Truſtees, or any Five or more of them, ſhall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the ſaid Treaſurer or Receiver Publickly Advertiſed in the Dublin-Gazette, for that Purpoſe, at leaſt Twenty Days before, at the Town of Antrim, Draw out of ſuch Box or Urn, as many of the ſaid Tickets or Pieces of Parchment, as the Sums therein Contained ſhall Amount to the ſaid Sum of Two hundred Pounds, and the Perſon or Perſons, the Number of whoſe Warrants or Orders, ſhall be ſo Drawn, his or their Executors, Adminiſtrators or Aſſigns, ſhall, within Twenty Days after the ſaid Warrants or Orders ſhall be Drawn, be Paid by the ſaid Treaſurer or Receiver, the Principal Sums to him or

them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders, to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly; And the Interest Payable by Virtue of such Warrants or Orders, shall Cease, from the Expiration of Twenty Days, to be Accounted from the Day of Dyalving the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in Being towards the Repairing the said High-Way or Road, shall Yearly, during the Continuance of this Act, Do and Perform two Days of that Work commonly called The Statute-Work, which is Appointed by the Laws now in Being for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Times as the Surveyor or Surveyors to be Appointed by Virtue of this Act, shall by Writing under his or their Hand or Hands from Time to Time Order and Direct, and shall not be again Chargeable for the same by any Surveyor or Surveyors of the respective Parishes, on any Person whatsoever, and also, that the respective Surveyor or Surveyors for the Time being, of all and every

very Parish and Parishes, in which the said High-Way and Road intended to be Repaired by this Act lye, shall Yearly, and every Year, within four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being Appointed by Virtue of this Act, give a List or an Account in Writing under his or their Hands, of the Name or Names of all and every Person and Persons in the said respective Parish or Parishes, who are by the Laws now in Force chargeable towards the Repairing of the High-Ways of the said respective Parishes, and what he or they is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed, by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to do the said Two Days Work in and upon the said Road to be Repaired by this Act, either Summon, or give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they,

for every such Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons keeping a Team, Cart, Car or other Carriage, and Chargeable towards the Repairing of the High-Ways as aforesaid, shall neglect or refuse to Do and Perform the said Two Days Work in the said High-Way by this Act Intended to be Repaired, after such Summon or Publick Notice shall be given as aforesaid, he or they respectively shall Forfeit and Pay the Sum of Five Shillings for each of the Two Days such Person or Persons keeping a Team, Cart, Car or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards the Repairing the High-Ways of the said Parishes, shall at any Time neglect or refuse after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work in the said High-Way by this Act intended to be Repaired, he or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two Days such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them,

upon

upon the Information of one or more Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to Administer, and the said Forfeitures and Penalties beforementioned when Recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained (the Charges of such Distress and Sale being first Deducted) shall go to, and be applied for and towards amending the said High-Way intended by this Act to be Repaired, in like Manner as the Toll intended by this Act is to go and be Applied.

Provided allways, That in Case there shall be more than one Gate or Turnpike in, cross or on the Side of the said High-way or Road between the said Bridge Commonly Called Ban-Bridge in the County of Down, to the Town of Randalstown in the County of Antrim, no Person or Persons, having paid the Toll or Duty at the first Gate or Turn-pike through which such Person or Persons shall Pass, and Producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket, the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon

the ſaid High-Way or Road, Such Perſon or Perſons Delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty at the Latter Gate or Turn-pike the ſame Day; And no Perſon or Perſons, having Occaſion to paſs the Place or Places where the Toll or Duty is Taken, who ſhall Return the ſame Day upon or with the ſame Horſe, Mare, Gelding, Als, Mule, Cattle, Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, Waggon, Cart, Car, or other Carriage, ſhall be Liable or Compellable the ſame Day to Pay the ſaid Toll or Duty, more than Once on the ſame Road.

And for Preventing Frauds and Abuſes in the ſaid Toll or Duty:

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having Paid the Toll or Duty by this Act Granted and made Payable, and having ſuch Note or Ticket, Notes or Tickets, as hereby Directed, ſhall Give or Diſpoſe of the ſame to any other Perſon or Perſons, in Order to Avoid the Payment of the ſaid Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Credible Witneſs or Witneſſes, before the ſaid Truſtees or any Five or More

of

of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath, the said Trustees, and the said Justice or Justices, are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered and Disposed of, by this Act.

Provided allways, And it is hereby Declared, That, During the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall Pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Down and Antrim, or for any Burgess to Serve in Parliament for any Boroughs in the said Counties respectively; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or More of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think Fit, to Compound and Agree by the Year, or Otherwise, with any Person or Persons Using to Travel through the

Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Car, or other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time, after such Agreement shall be Made.

Provided also, And it is hereby Declared, That no Person shall be Charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turn-pikes to be Erected by this Act, who shall Carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any of the Roads in the Parishes in which the same do Lie, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Cars or Waggons Loaden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Ways or Roads hereby Intended to be Repaired do Lie; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass, Mule, or other Cattle Going to Water, or for any Post-Horse Carrying the Mail or Packet,

or

or for such Horse as is or shall be Used only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse Pass through the said Turn-pike or Turn-pikes with such Waggon, Cart or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers passing that are upon their March, or for Waggons, Carts, Cars, or other Carriages Attending them, or for Horses, Waggons, Carts, Cars or other Carriages Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one Part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted shall take Place and have Continuance from and after the First Day of May One thousand seven hundred thirty and six, for and During the Term of Forty One Years.

Provided nevertheless, That if, at any Time before the Expiration of the said Term of Forty One Years, all Parts of the said Road shall be sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication Made, and Re-payment of such Money as shall have been Advanced or Borrowed, with the Interest for the same, and the Cost and Charges

thereof, the said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the Continuing of a Sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and during the Continuance thereof, it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal or Refusing to act in the said Trust, from Time to Time, and at all Times hereafter, during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees, so Deceased, Removed or Refusing to act, another fit and able Person, or so many more fit and able Persons, Living in the said Counties of Down and Antrim, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons, so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to act, to all Intents and Purposes, in as Full, Large and Ample Manner, as

as the said Truſtees are by this Act Impowered to do, and ſo, Toties quoties, as often as Occaſion ſhall Require.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall Meet at Antrim in the County of Antrim, on the Firſt Tueſday in the Month of May, One thouſand ſeven hundred thirty and ſix, and the ſaid Truſtees ſhall then Adjourn themſelves, and afterwards Meet there, or at any other Place or Places near the ſaid Highway or Road, to be Repaired, as the ſaid Truſtees, or any Five or more of them ſhall think Proper and Convenient, as often as it ſhall be Neceſſary for the putting this Act in Execution; And if it ſhall happen, that there ſhall not Appear at any Meeting which ſhall be Appointed to be had or Held by the ſaid Truſtees, a Sufficient Number of Truſtees to act at ſuch Meeting, and to Adjourn to any other Day, then, and in ſuch Caſe, the Clerk of the ſaid Truſtees, by Notice in Writing, to be Affixed at the reſpective Gates or Turn-pikes, at leaſt Ten Days before the next Meeting, ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Had, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fort-

night upon which such last Meeting of the said Trustees was Appointed to have been Held; And that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall Have or Accept of any Place of Profit arising out of, or by Reason of the Toll or Duty by this Act laid or granted, but such Person or Persons shall be incapable from the Time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case the Action shall be Laid in the Counties of Down or Antrim, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act, and if it shall Appear so to be done, or

such

ſuch Action or Actions ſhall be brought in any other County, that then the Jury ſhall Find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff ſhall be Nonſuited, or Diſcontinue his Action, after the Defendant or Defendants ſhall have Appeared, or upon any Demurrer Judgment ſhall be given againſt the Plaintiff, the Defendant or Defendants ſhall and may Recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

And be it further Enacted by the Authority aforeſaid, That this Act ſhall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially taken Notice of as ſuch by all Judges, Juſtices and other Perſons whatſoever, without ſpecially pleading the ſame.

AN

ACT

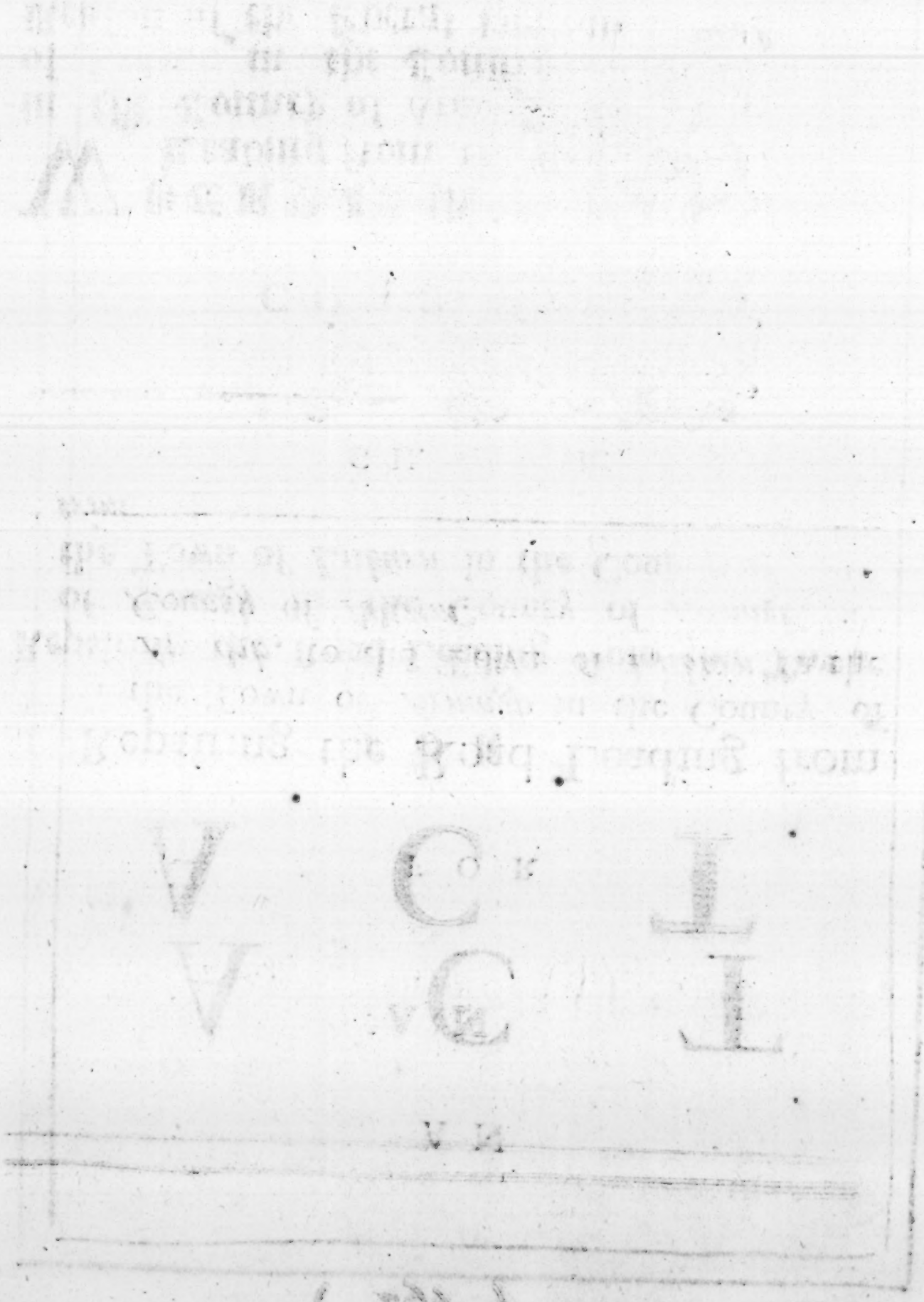
FOR

Repairing the Road Leading from the Town of *Armagh* in the County of *Armagh*, to the Town of *Lisburn* in the County of *Antrim*.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.



AN

ACT

FOR

Repairing the Road Leading from the Town of *Armagh* in the County of *Armagh*, to the Town of *Lisburn* in the County of *Antrim*.

CHAP. XVIII.

WHEREAS the High-way or Road Leading from the Town of Armagh in the County of Armagh, to the Town of Lisburn in the County of Antrim, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently passing through the same, is become so Ruinous and Bad, that in Winter Season many Parts thereof are Impassable for Waggons, Carts, Cars and

Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm be effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-Way and Road may with convenient Speed be effectually Amended and hereafter Kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, and Keeping in Repair the said High-Way or Road, His Grace the Lord Primate of Ireland, the Right Honourable Alexander Earl of Antrim, the the Right Honourable the Lord Viscount Massareen, the Right Honourable Francis Lord Conway, the Right Reverend Father in God Charles Lord Bishop of Kildare, the Right Reverend Father in God Henry Lord Bishop of Dromore, the Honourable John Skeffington, the Honourable Clotworthy Skeffington, Esqs; Sir John Rawdon, Baronet, Sir Arthur Acheson, Baronet, Robert Cope, Arthur Hill, William Brownlow, the Honourable John Caulfield, John Moore, Ambrose Phillips, Edward Knatchbull, John Maxwell, Robert Hawkins Magill, Arthur

Arthur Dobbs, John Lyndon, **Esquires**, the **Reverend Doctor** Robert Maxwell, **the Right Honourable** Benjamin Parry, **Esq**; **the Reverend** John Brandreth, **Clerk**, **Dean of** Armagh, John Richardson, William Richardson, **Esquires**, **Doctor** Henry Jenny, **Senior**, **Doctor** William Tisdall, **Doctor** Henry Jenny, **Junior**, **the Reverend Doctor** John Walmesly, **Colonel** Tichburne, **the Reverend Doctor** Kearney, **the Reverend Mr.** Nathaniel Whally, Oliver St. John, Anthony Obins, **Esquires**, Henry Clarke, **Gentleman**, **the Reverend** Hamlet Obins, John Bolton, Thomas Clarke, Downham Clarke, **the Reverend** Valentine Clarke, Walter Cope, **the Reverend** Berkeley Cope, **Clerk**, Chappell Dawson, Walter Dawson, **Esquires**, Edward Bond, **the Reverend Mr.** Charles Este, Edward Mathews, **Esq**; William Blacker **of** Carrick, Randal Donaldson, **Esq**; **the Reverend** Arthur Ford, **Clerk**, **the Reverend** George House, **Clerk**, **the Reverend** Southwel Riccards, **Clerk**, Thomas Prior, Meredyth Workman, Samuel Warren, **Senior**, Samuel Warren **Junior**, Thomas Warring, John Stothard, John Bateman, Samuel Close, Henry Close, Adam Stothard, **Esquires**, **the Reverend** Redmond Smith, **Clerk**, **the Reverend** Arthur Workman, **Clerk**, Arthur Graham, John Hope, **the Reverend** Anthony Rogers, **Clerk**, Christophilus Jenny, Thomas Crawford, **the Reverend Archdeacon** Thomas Smith, James Benning, Michael Merrifield, Samuel Blacker, Peter Mason, Francis O Bre, Andrew Charlton, Conway Spencer, **Esquires**, **the Sovereign of**

Armagh for the Time being, Ralph Dawſon Gentleman, Colonel William Graham, Henry Cuſt, Leſlie Hamilton and Daniel Kelly, Gentlemen, and the Survivors of them, ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turn-pike or Turn-pikes, in, upon, or croſs any Part or Parts of the ſaid High-Way; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr or other Carriage, ſhall be permitted to Paſs thyough the ſame (Viz.) For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of one Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by any Leſſer Number of Horſes, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn with Two Horſes, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or Carriage, with Four Wheels, the Sum of Ten Shillings;

For

For every Wain, Cart or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, Geldings or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage commonly Called a Chair or Chaise, Drawn with One Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, excepting Carrs Loaden with Turf, and for each of them, and for any Horse or other Cattle, Loaden with Turf, not Drawing, One Penny; For every other Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Five Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees, and the same, and every Part thereof, shall be Paid, Applied, and Dis-

poled of and Assigned to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be paid, upon any Person or Persons, who shall, after Demand made thereof, Neglect or Refuse to pay the same, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to pay the same, and may Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distraining and Keeping, shall be Paid; And it shall and may be Lawful to and for the Person or Persons so Distraining, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after such Toll, Duty and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several

several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall First pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and paid, That then, and from thenceforth, the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the Road Leading from the Town of Armagh, in the County of Armagh, to the Town of Lisburn, in the County of Antrim, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land, near unto any Turn-pike to be Erected in Pursuance of this Act, shall for Gain, Reward or otherwise, wittingly or willingly, permit any Person or Persons whatsoever to Pass through any Gate, Passage or Way, in their Land, with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Cart, Carr or other Carriage, or Riding or Driving any Horse, Ass, Mule, or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and shall be thereof Con-

victed, upon Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-way or Road, Cross any Way or Lane Leading out of the said Road, and to build a Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge, in Case of Passing the same Day through any other of the

Turn-pikes

Turn-pikes to be Erected by Virtue of this Act, from the Town of Armagh, in the County of Armagh, to the Town of Lisburn in the County of Antrim.

And be it Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at the First Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may, Elect, Nominate and Appoint One or more fit Person or fit Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act; And also, One or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said High-way or Road, and to take Care that the same be Amended and Repaired, and that the Money Arising and Expended by Virtue of this Act be duly Applied; And shall and may from Time to Time Remove such Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and to Appoint new Ones in Case of Death or of such Removal; And all and every Person or Persons as is or are by this Act Liable to pay the said Toll or Duty, is and are hereby Required to Pay the same after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf from Time to Time Appointed as aforesaid

for Receiving the said Toll or Duty; And such Receiver and Receivers, Collector and Collectors as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace, Residing near the High way or Road aforesaid (which Oath such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby Impowered and Required to Administer) on the First Tuesday in every Month or oftner (if required) during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have Received, Paid and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be Taken; And in Case any Money so Received shall remain in their or any of their Hands, the same shall be Paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disburled and Laid out in Amending the said High-Way or Road, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees,

or

or any Five or more of them, to whom such Account shall be given, shall and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been, or shall be Assisting in and about Procuring the said High-Ways or Roads to be Amended and Repaired, by Advancing or Laying out any Money, or otherwise Relating thereunto, as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings a Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons who shall be Employed by Virtue of this Act, as Clerk or Gate-Keepers, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment

unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, That then the Justices of the Peace at any special Sessions or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors have Acted or been Employed and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry, and finally to Determine of, and concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of one or more credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer without Fee or Reward; And if any Person or Persons shall be Convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Goal of the County where such Offence shall be committed, there to Remain without Bail or Mainprize until he or they shall have made a True and Perfect Account, and Payment as aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons, as he or they shall Appoint to Dig, Raise,

Gather,

Gather, Take and Carry away, any Gra-vel, Furze, Sand, Stones or other Ma-terials, out of any Waste or Common, of any Parish, Town, Village or Ham-let, in or near which any Founderous or Ruinous Places of the said High-way or Road do Lie; And for Want of Suffi-cient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same out of the Waste or Common, of any Neigh-bouring Parish, Town, Village or Ham-let, without Paying any Thing for the same; And where there is not Sufficient of such Materials, in any Common or Waste Grounds near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raise and Gather the same in the Several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are to be found, and from Time to Time to Carry away such and so much thereof, as the said Sur-veyor or Surveyors in their respective Places shall Adjudge Necessary for the Amending and Repairing the said High-way or Road, Paying such Rates for such Materials, to the Owner or Occu-pier of the Ground, from whence the same shall be Digged, Raised, Gathered and

Carried away, as the Trustees Appointed or to be Appointed to put this Act in Execution, or any Five or more of them shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier and the said Trustees, touching the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal-delivery to be Holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons, as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-way or Road, and to Cleanse any Ditch or Water-courses Adjoyning to the said Road, and to Cut down, Lop or Top any Trees or Bushes, Growing on the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same; The Owner or Occupier, Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoy-

antes for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of any Five or more of the said Trustees, the Charges whereof shall be Reimbursed, the said Surveyor or Surveyors, by such Owners or Occupiers, Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons, shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County where such Offence shall be Committed, shall for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, Ten Shillings, to be Levied in Manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to Make or Cause to be Made, Causeways, and to Cut and Make Drains through any Ground lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone thereupon; And also, to Widen any of the Narrow Parts of the said High-way or Road, by Opening, Clearing and Laying into the said High-

Way or Road, any Ground of any Perſon or Perſons, lying Contiguous to ſuch High-Way or Road, not being Built upon, and not being a Garden, Orchard, Yard, Planted Walk or Avenue to a Houſe; And alſo, to cauſe Ditches or Trenches to be Made in ſuch Places, and in ſuch Manner, as ſuch Surveyor or Surveyors, by the Order of the ſaid Truſtees, or any Five or more of them, ſhall Adjudge Neceſſary for the better Amending and Keeping of the ſaid High-Way or Road in good Repair, making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Ground, which ſhall be ſo Laid in, or unto the ſaid High-Way or Road, or through which any ſuch Drain or Drains ſhall be Cut, or on which any ſuch Arch or Arches ſhall be Made, for the Damages which he or they ſhall or may thereby Suſtain, as ſhall be Aſſeſſed and Adjudged by the next Going Judge or Judges of Aſſize, or by the Juſtices of the Peace, or the Major Part of them, at the next General Aſſizes or Quarter-Seſſions to be Holden for the County in which ſuch Ground lies, which ſhall be Laid into the ſaid High-Way or Road, or through which any ſuch Drain or Drains, Ditch or Ditches ſhall be Cut or Made, or on which ſuch Arch or Arches ſhall be Erected or Made, or ſuch Cauſeways Made, in Caſe of any Difference concerning the ſame; And if any Owner

to

or Occupier of any Water-courses, Ditch or Ditches, Adjoining to the said High-way or Road, shall Neglect or Refuse to Scour or Clean such Water-courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And whereas the said High-Way or Road, Leading from the said Town of Armagh to the Town of Lisburn, may be considerably Shortned, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just

and Reasonable Satisfaction may be Given for the Land made Use of, in Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, to Ascertain, Describe and Set a-part such a Part and Proportion of the Lands, Adjoyning or Contiguous to the said High-Way or Road, as they the said Trustees, or any Five or more of them, shall Judge necessary for Carrying the same Straight and in a Direct Line, Provided that no Part of the said Lands so to be Set a-part, be built on, and that the same be not Part of any Garden, Orchard, Yard, Planted Walk, or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or any Five or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others, Interested in the said Ground, to be Made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same, out of the Tolls and Duties Arising by Vertue of this Act, as the said Trustees, or any Five or more of them, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat and Agree as aforesaid, or

through

through any Disability, by non Age, Coverture or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot or otherwise howsoever shall Refuse to Dispose of their respective Interest in such Land, as the said Trustees, or any Five or more of them, shall think convenient for the Shortning of the said Road, in every such Case the said Trustees, or any Five or more of them, are hereby Authorized and Impowered to Sue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County, wherein such Ground doth lie, to Impannel and Return before the said Trustees, or any Fifteen or more of them, at such Time and Place within the said County, as shall be appointed in such Warrant or Warrants, a Sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Five or more of them, are hereby Impowered and Required to Administer) shall Inquire into the true and Real Value of such Ground, to be Made Use of for the said High-Way or Road; And such Verdicts or Inquisitions as shall be so found and returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money so to be Collected, by such Receipt of the said Toll, will not at present be Sufficient for the Speedy Repairing of the said High-Way or Road,

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Cost and Charges whereof to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Fifteen or more of them, from Time to Time, during the Continuance of this present Act, to Make out Warrants or Orders in Writing, under their Hands,

Directed

Directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the growing Interest of the Sum of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become Due, until such Time as the Principal Sum, Mentioned in such Warrant or Order, shall be paid off and Discharged, at one intire Payment: Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, to whom such Warrants or Orders shall be given, his, her or their Executors or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders, which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose (which the said Treasurer or Receiver, shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, on the like Request, Permit to be Viewed at reasonable Hours, without Fee or Reward) shall Intitle the

Indorſee or Aſſignee, his or her Executors, Adminiſtrators or Aſſigns, to the Sole Benefit of the Sum ſo Transferred or Aſſigned, and that the ſaid Warrant or Order, may in like Manner be Aſſigned or Transferred by ſuch Aſſignee, his or her Executors or Adminiſtrators, and ſo Toties quoties; And that after ſuch Aſſignment, it ſhall not be in the Power of the Perſon or Perſons, who Made ſuch Aſſignment, to make Void, Releaſe or Diſcharge the ſaid Aſſignment, or the Sum thereby Transferred or Aſſigned, or any Part theteof.

And be it further Enacted by the Authority aforeſaid, That the Treaſurer or Receiver of the ſaid Tolls, ſhall Arithmetically Number all the Warrants or Orders which ſhall be Given or Delivered out, in Purſuance of this Act, as they ſhall be Delivered out, Commencing by Number One, and ſo Continuing the Numbers till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforeſaid, That the ſeveral Tolls and Duties hereby made Payable, ſhall be Applied and Paid to the Diſcharge of the Intereſt of ſo much Money as ſhall be Borrowed, in Purſuance of this Act, and towards Repairing the ſaid Road; And that all the Surplus of the ſaid Tolls and Duties hereby made Payable, over and above what ſhall be Sufficient

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to Diſcharge the ſaid Intereſt and Repair the ſaid Road, ſhall be Applied in Diſcharge of the Principal Money ſo Borrowed, in the Manner herein after Mentioned, (Viz.) That when, and as often as ſuch Surplus Received by the ſaid Treaſurer or Receiver, ſhall Amount to the Sum of Two hundred Pounds, that then the ſaid Treaſurer or Receiver, ſhall cauſe the Number of all the Warrants or Orders which ſhall be Iſſued and Delivered out, in Purſuance of this Act, and the Sums therein Contained, to be Written on ſeveral Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn and well Mixed together, and an Indifferent Perſon to be Appointed by the ſaid Truſtees, or any Five or more of them, ſhall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the ſaid Truſtees or Receiver Publickly Adverti[ſ]ed in the Dublin-Gazette, for that Purpoſe, at leaſt Twenty Days before, at the Town of Lurgan, Draw out of ſuch Box or Urn, as many of the ſaid Tickets or Pieces of Parchment, as the Sums therein Contained ſhall Amount to the ſaid Sum of Two hundred Pounds, and the Perſon or Perſons, the Number of whoſe Warrants or Orders, ſhall be ſo Drawn, his or their Executors, Adminiſtrators or Aſſigns, ſhall, within Twenty Days after the ſaid Warrants or Orders ſhall be Drawn,

be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders, to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel accordingly; And the Interest payable by Virtue of such Warrants or Orders, shall Cease, from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in Being towards the Repairing the said High-Way or Road, shall Yearly, during the Continuance of this Act, Do and Perform two Days of that Work commonly called The Statute-Work, which is Appointed by the Laws now in Being for the Amending the High-Ways in this Kingdom, in such Manner, Place and places, being part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed by Virtue of this Act, by Writing under his or their Hand or Hands from Time to Time shall Order and Direct, and shall not be again Chargeable for the same by any Surveyor or Surveyors of the respective Parishes (Except the Parishes of Maghere-

lin

lin and Moyragh) on any Perſon whatſoever, and alſo, that the reſpective Surveyor or Surveyors for the Time being, of all and every Pariſh and Pariſhes, in which the ſaid High-Way and Road intended to be Repaired by this Act lyes, (Except the ſaid Pariſhes of Magherelin and Moyragh) ſhall Yearly, and every Year, within four Days after Requeſt made to him or them, by the Surveyor or Surveyors for the Time being Appointed by Virtue of this Act, give a Liſt or an Account in Writing under his or their Hands, of the Name or Names of all and every Perſon or Perſons in the ſaid reſpective Pariſh or Pariſhes, who are by the Laws now in Force chargeable towards the Repairing of the ſaid High-Ways of the ſaid reſpective Pariſhes, and what he or they is or are Chargeable with reſpectively, for and towards the ſame, to the Surveyor or Surveyors Appointed, or to be Appointed, by Virtue of this Act; And that the ſaid Surveyor or Surveyors of the ſaid Pariſhes ſhall within Three Days next after Notice Given by the ſaid Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the ſaid Perſons ſo Chargeable as aforeſaid, he or they would have to do the ſaid Two Days Work in and upon the ſaid Road to be Repaired by this Act, either Summon, or give Publick Notice thereof to the

said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons keeping a Team, Cart, Car or other Carriage, and Chargeable towards the Repairing the High-Ways as aforesaid, shall neglect or refuse to Do and Perform the said Two Days Work in the said High-Way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be given as aforesaid, he or they respectively shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days such Person or Persons keeping a Team, Cart, Car or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards the Repairing the High-Ways of the said Parishes, shall at any Time neglect or refuse after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work in the said High-Way by this Act intended to be Repaired, he or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two Days Work such Labourer or other Person or Persons shall make Default; All which Penalties and Forfeitures by this Act Imposed, shall

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be Levied and Recovered by Diſtreſs and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the ſaid Truſtees, or any Five or more of them, upon the Information of one or more Credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered and required to Adminiſter) and the ſaid Forfeitures and Penalties beforementioned when Recovered, after rendering the Overplus (if any be) to the Party or Parties whoſe Goods or Chattels ſhall be ſo Diſtrained (the Charges of ſuch Diſtreſs and Sale being firſt Deducted) ſhall go to, and be applied for and towards amending the ſaid High-Way intended by this Act to be Repaired, in like Manner as the Toll intended by this Act is to go and be Applied.

Provided always, That in Caſe there ſhall be more than one Gate or Turn-pike in, croſs or on the Side of the ſaid High-Way or Road between the ſaid Town of Armagh in the County of Armagh to the Town of Lisburn, in the County of Antrim, no Perſon or Perſons, having Paid the Toll or Duty at the firſt Gate or Turn-pike through which ſuch Perſon or Perſons ſhall Paſs, and Producing a Note or Ticket, that the ſaid Toll or Duty was Paid (which Note or Ticket, the Receiver or Receivers,

Collector or Collectors, is and are hereby Required to Give Gratis) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon the said High-way or Road, Such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty at the Latter Gate or Turn-pike the same Day; And no Person or Persons, having Occasion to Pass the Place or Places where the Toll or Duty is Taken, who shall Return the same Day upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Car, or other Carriage, shall be Liable or Compellable the same Day to Pay the said Toll or Duty, more than Once on the same Road.

And for Preventing Frauds and Abuses in the said Toll or Duty:

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted and made Payable, and having such Note or Ticket, Notes or Tickets, as are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof

thereof Convicted, upon the Oath of One or More Credible Witness or Witnesses, before the said Trustees or any Five or More of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath, the said Trustees, and the said Justice and Justices, are hereby Impowered to Administer) shall respectively Forfeit and pay the Sum of Ten Shillings, to be Levied, Recovered and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, and Disposed of, by this Act.

Provided allways, And it is hereby Declared, That, During the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire, to Serve in Parliament for the said Counties of Armagh and Antrim, or for any Burgess to Serve in Parliament for any Boroughs in the said Counties respectively; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or More of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think fit, to Compound or Agree by

the Year, or Otherwise, with any Person or Persons Using to Travel through the said Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare, or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Car, or other Carriage, for any Sum or Sums of Money, to be Paid Quarterly, from Time to Time, after such Agreement shall be Made.

Provided also, And it is hereby Declared, That no Person shall be Charged with any of the Tolls or Duties aforesaid, who shall Pass through any of the Turn-pikes to be Erected by this Act, who shall Carry any Quantity of Stones, Gravel, or other Materials for Repairing the said Road, or any other Roads in the Parishes in which the same do Lie, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Cars or Waggons Loaden with Corn in the Straw only; Nor for any Ploughs, Harrows, or other Implements of Husbandry, in Order to the Using or Repairing of the same, in the several Parishes in which the said High-Ways or Roads hereby Intended to be Repaired do Lie; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes to be Erected, for any Horse, Mare, Gelding, Ass or Mule, or other Cattle Going to Water, or for any Post-

Poſt-Horſe Carrying the Mail or Packet, or for ſuch Horſe as is or ſhall be Uſed only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided that ſuch Horſe Paſs through the ſaid Turn-pike or Turn-pikes with ſuch Waggon, Cart or Carriage; Nor ſhall any Toll or Duty be Demanded or Taken for the Horſes of Soldiers paſſing that are upon their March, or for Waggons, Carts, Cars, or other Carriages Attending them, or for Horſes, Waggons, Carts, Cars or other Carriages Travelling with Vagrants ſent by Paſſes, or with Priſoners Tranſmitted from one Part of the Kingdom to another.

And be it further Enacted by the Authority aforeſaid, That the Toll or Duty hereby Granted ſhall take Place and have Continuance from and after the Second Tueſday in the Month of May One thouſand ſeven hundred and thirty ſix, for and During the Term of Forty One Years.

Provided nevertheleſs, That if, at any Time before the Expiration of the ſaid Term of Forty One Years, all Parts of the ſaid Road ſhall be ſufficiently Amended and Repaired, and ſo Adjudged by the Majority of the Truſtees Appointed, or hereafter to be Choſen by Virtue of this Act, by an Adjudication Made, and Re-payment of ſuch Money as ſhall have been Advanced or Borrowed, with Intereſt for the ſame, and the Coſt and Charges

thereof, the said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the Continuing a Sufficient Number of able Persons to be Trustees, for putting in Execution all and every the Powers in this Act Contained, for and during the Continuance thereof, it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal or Refusing to act in the said Trust, from Time to Time, and at all the Times hereafter, during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees, so Deceased, Removed or Refusing to act, another fit and able Person, or so many more fit and able Persons, Living in the said Counties of Armagh and Antrim, to be Joined with the said Trustees, in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act; And all and every Person or Persons, so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to act, to all Intents and Purposes, in as Full, Large and Ample Manner, as

as the ſaid Truſtees are by this Act Impowered to do, and ſo, Toties quoties, as often as Occaſion ſhall Require.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall Meet at Lurgan in the County of Armagh, on the Second Tueſday in the Month of May, One thouſand ſeven hundred and thirty ſix, and the ſaid Truſtees ſhall then Adjourn themſelves, and afterwards Meet there, or at any other Place or Places near the ſaid Highway or Road, to be Repaired, as the ſaid Truſtees, or any Five or more of them ſhall think Proper and Convenient, as often as it ſhall be Neceſſary for the putting this Act in Execution; And if it ſhall happen, that there ſhall not Appear at any Meeting which ſhall be Appointed to be Had or Held by the ſaid Truſtees, a Sufficient Number of Truſtees to act at ſuch Meeting, and to Adjourn to any other Day, then, and in ſuch Caſe, the Clerk of the ſaid Truſtees, by Notice in Writing, to be Affixed at the reſpective Gates or Turn-pikes, at leaſt Ten Days before the next Meeting, ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Had, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fort-

night upon which last Meeting of the said Trustees was Appointed to have been Held; And that the said Trustees, at their First Meeting, and at all other Subsequent Meetings, shall Defray their owne Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or Accept of any Place of Profit arising out of, or by Reason of the Toll or Duty by this Act laid or granted, but such Person or Persons shall be incapable from the Time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case the Action shall be Laid in the Counties of Armagh, Down or Antrim, and not elsewhere, and the Defendant and Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act, and if it shall Appear so to be done, or

such

such Action or Actions shall be brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Nonsuited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially taken Notice of as such by all Judges, Justices and other Persons whatsoever, without specially Pleading the same.

AN

ACT

FOR

Repairing the Road Leading from the Town of *Armagh* in the County of *Armagh*, to the Town of *Newry* in the County of *Down*.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Most Excellent Majesty, at the *King's-Arms* and *Two Bibles* in *Essex-Street*, MDCCXXXVI.

A C L

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F O R

Repairing the Road Leading from the Town of *Armagh* in the County of *Armagh*, to the Town of *Newry* in the County of *Down*.

CHAP. XIX.

WHEREAS the High-way or Road Leading from the Town of Armagh in the County of Armagh, to the Town of Newry in the County of Down, by Reason of the several Hollow Ways, and of the many and heavy Carriages frequently passing through the same, is become so Ruinous and Bad, that in Winter Season many Parts thereof are Impassable for Waggons, Carts, Cars and

 Carriages,

Carriages, and very Dangerous for Travellers, and cannot by the ordinary Course Appointed by the Laws and Statutes of this Realm be effectually Amended and Kept in Good and Sufficient Repair; Wherefore, and to the Intent that the said High-ways and Roads may with convenient Speed be effectually Amended and hereafter Kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety;

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending and Keeping in Repair the said High-way or Road, His Grace the Lord Primate of all Ireland, the Right Honourable Lord Viscount Charlemont, the Right Honourable Trevor Lord Viscount Hillsborough, the Right Honourable Charles Lord Viscount Fane, the RightHonourable Benjamin Parry, Esq; Sir Arthur Acheson, Baronet, William Brownlow, Robert Cope, Ambrose Phillips, Edward Knatchbull, Esquires, the Sovereign of Armagh for the Time being, the Reverend Nathaniel Whaley, the Reverend Doctor Henry Jenny, John Moore, Francis Lucas, Robert Hawkins Magill, Arthur Hill, John Maxwell, Esquires, the Reverend Doctor John Walmesly, the Reverend

Reverend Doctor Caleb Debutts, Robert Needham Junior, Robert Roſs Senior, Robert Roſs Junior, John Richardſon, William Richardſon, Oliver St. John, Anthony Obins, Eſquires, the Reverend Doctor Archibald Stewart, the Reverend Doctor John Kearney, Colonel William Graham, Alexander Stewart, Henry Leſly, John Bolton, Meredith Workman, Edward Bond, John Tichborne, Eſquires, the Reverend Charles Eſte, the Reverend Doctor Joſhua Pullein, Richard Dawſon, Chappell Dawſon, Randall Donaldſon, Edward Mathews, Walter Dawſon, George Bond, Andrew Charleton, Chriſtopher Charleton, Richard Johnſon, Eſquires, Samuel Waring of the City of Dublin, Eſquire, Thomas Clarke of Ardreſs, Henry Cuſt, Roger Hall, Eſquires, the Reverend Thomas Shelton, Hans Hutchinſon, Robert Hutcheſon, Iſaac Corry, Nicholas Dromgoold, James Mc Cammon, Gentlemen, and the Survivors of them, ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turn-pike or Turn-pikes, in, upon, or croſs any Part or Parts of the ſaid High-Way and Road; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Toll and Duties following, before any Horſe, Mare, Gelding, Cattle,

Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Carr or other Carriages, shall be permitted to Pass through the same (Viz.) For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by Six Horses, Geldings or Mares, the Sum of one Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by any Lesser Number of Horses, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or Carriage, with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings or Oxen, the Sum of Two Shillings and Six Pence; For every Cart, or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage commonly Called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Car or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, excepting Cars Loaden with Turf, and for each of them, One Penny; And for every Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every

every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees, and the same, and every Part thereof, shall be Paid, Applied, and Disposed of and be Assigned to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand made thereof, Neglect or Refuse to Pay the same, by Distress of any Horses or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to Pay the same, and may Detain and Keep the same, until such Toll

or Duty, with the Reasonable Charges of such Distraining and Keeping, shall be Paid; And it shall and may be Lawful to and for the Person or Persons so Distraining, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand to the Owner after such Toll, Duty and Reasonable Charges for Distraining and Keeping the same, shall be Deducted and Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising by the Profits of the several Turn-pikes to be Erected, the said Trustees, or any Five or more of them, shall First Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-pike or Turn-pikes, and Building such Toll-House or Toll-Houses; And from and after such Charges and Expences shall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Arising, and the Toll to be Collected at any Turn-pike or Turn-pikes, to be Erected or Set up on the Road Leading from the Town of Armagh, in the County of Armagh, to the Town of Newry, in the County of Down, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting, or Occupying any Land, near unto which any Turn-pike is to be Erected in Pursuance of this Act, shall for Gain, Reward or otherwise, Permit any Person or Persons whatsoever to Pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Car or other Carriage, or Riding or Driving any Horse, Ass, Mule, or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Appointed to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges

in Taking and Diſpoſing of the ſaid Goods being firſt Deducted.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, are hereby Impowered to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the ſaid High-Way or Road, Croſs any Way or Lane Leading out of the ſaid Road, and to build a Toll-houſe or Toll-houſes, and there to Receive and Take ſuch Toll as is Appointed by this Act to be Taken, ſo as the ſame does not Extend to a Double Charge, in Caſe of Paſſing the ſame Day through any other of the ſaid Turnpikes to be Erected by Virtue of this Act, from the Road leading from the Town of Armagh, in the County of Armagh, to the Town of Newry in the County of Down.

Provided allways, That no Gate or Turnpike be Erected or Placed, ſo as to Affect the Great Road Leading from Newry to Tandragee, for the Space of Two Years from the Commencement of this Act, but in Caſe the Fund ariſing by the Tolls of the ſaid Road, leading from Newry to Armagh, ſhall not be found ſufficient to Diſcharge the Annual Salaries of the aforeſaid Officers, and alſo, the Expence of this Act, and the Intereſt of the Money neceſſary to be raiſed for Repairing the ſaid Road, that then, and in ſuch Caſe it ſhall and may be Lawful to and for

the

the ſaid Commiſſioners, or any Five or more of them, at the End of the ſaid Two Years, to Erect a Gate or Turnpike on the ſaid Road, Leading from Newry to Tandragee, at which Gate all Perſons and Cartiages before menioned, ſhall be Subject and Liable to pay only One Half the Tolls Payable by the ſeveral Paſſengers and Cartiages on the ſaid Road from Newry to Armagh reſpectively as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, at their Firſt Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, ſhall and may, Elect, Nominate and Appoint One or more fit Perſon or Perſons to be Receiver or Receivers, Collector or Collectors of ſuch Money, in the Name of ſuch Toll or Duty, as ſhall be Due and Payable by Virtue of this Act; And alſo, One or more fit Perſon or Perſons to be Surveyor or Surveyors, or to Vieth the Condition of the ſaid High-Way or Road, and to take Care that the ſame be Repaired and Amended, and that the Money Ariſing and Expended by Virtue of this Act be duly Applied; And ſhall and may from Time to Time Remove ſuch Collectors, Receivers and Surveyors, or any or either of them, as they ſhall ſee Occaſion, and Appoint new Ones in Caſe of Death or of ſuch Removal; And ſuch Perſon or

Perſons as is or are Liable by this Act to Pay the ſaid Toll or Duty, is and are hereby Required to Pay the ſame after the Rates aforeſaid, to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty, in that Behalf from Time to Time Appointed as aforeſaid for Receiving the ſaid Toll or Duty; And ſuch Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors as aforeſaid, ſhall upon Oath (if thereto Required) before the ſaid Truſtees, or any Five or more of them, or before one or more Juſtice or Juſtices of the Peace, Reſiding near the High-way or Road aforeſaid (which Oath ſuch Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices, is and are hereby Impowered and Required to Adminiſter) on the Firſt Tueſday of every Month or oftner (if Required) during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing under their reſpective Hands, of all Money which he and they, and every or any of them, ſhall to ſuch Time have Received, Paid and Diſburſed, by Virtue of this Act, by Reaſon of their reſpective Offices, for which Oath no Fee or Reward ſhall be Taken; And in Caſe any Money ſo Received ſhall remain in their or any of their Hands, the ſame ſhall be Paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they or any Five or more of them

them, shall by any Writing under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his or their Care and Pains respectively taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been, or shall be Assisting in and about Procuring the said High-Ways or Roads to be Amended and Repaired, by Advancing or Laying out any Money, or otherwise Relating thereunto, as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings a Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads; And so as such Allowance or Allowances to any other Person or Persons who shall be Employed by Virtue of this Act, does

not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any Five or more of them, as aforesaid, That then the Justices of the Peace at any special Sessions or Meeting of them, to be Holden for the County in which the said Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors have Acted and been Employed and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry, and finally to Determine of, and concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of one or more credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer without Fee or Reward; And if any Person or Persons shall be Convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Goal of the County where such Offence shall be committed, there to Remain without Bail or Mainprize until he or they

shall

ſhall have made a True and Perfect Account, and Payment as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Surveyor and Surveyors, and ſuch Perſon or Perſons, as he or they ſhall Appoint to Dig, Raiſe, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones or other Materials, out of any Waſte or Common, of any Pariſh, Town, Village or Hamlet, in or near which any Founderous or Ruinous Places of the ſaid High-way or Road do Lie; And for Want of Sufficient Gravel, Furze and Stones, or other Materials there, to Dig, Gather, Raiſe, Take and Carry away the ſame out of the Waſte or Common, of any Neighbouring Pariſh, Town, Village or Hamlet, without Paying any Thing for the ſame; And where there is not Sufficient of ſuch Materials, in any Common or Waſte Grounds near Adjoining, it ſhall and may be Lawful, by Order of the ſaid Truſtees, or any Five or more of them, to Dig, Raiſe and Gather the ſame in the Several Grounds of any Perſon or Perſons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a Houſe, where any ſuch Materials are or may be found, and from Time to Time to Carry away ſuch and ſo much thereof, as the ſaid

Surveyors in their respective Places shall Judge Necessary for the Amending and Repairing of the said Highway or Road, Paying such Rates for such Materials, to the Owner or Occupier of the Ground, from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed or to be Appointed to put this Act in Execution, shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier and the said Trustees, touching the Damage aforesaid, the Judges of Assizes at the next General Assize and General Goal-delivery to be Holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons, as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-Ways or Roads hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-Way or Road, and to Cleanse any Ditch or Water-courses Adjoyning to the said Roads, and to Cut down, Lop or Top any Trees or Bushes, Growing

Growing on the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same; The Occupier, Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed, the said Surveyor or Surveyors, by such Owners or Occupiers, Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons, shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County where such Offence shall be Committed, shall for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, the Sum of Ten Shillings, to be Levied in Manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to Make or Cause to be Made, Causeways,

and to Cut and Make Drains through any Grounds lying Contiguous to the said Roads, and to Erect Arches of Brick, Timber or Stone thereupon; And also, to Widen any of the Narrow Parts of the said High-ways or Roads, by Opening, Clearing and Laying into the said High-ways or Roads, any Ground of any Person or Persons, lying Contiguous to such High-ways or Roads, not being Built upon, and not being a Garden, Orchard, Yard, Planted Walk or Avenue to a House; And also, to cause Ditches or Trenches to be Made in such Places, and in such Manner, as such Surveyor or Surveyors, by the Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary for the better Amending and Keeping of the said High-way or Road in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in, or unto the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be Made, for the Damages which he or they shall or may thereby Sustain, as shall be Assessed and Adjudged by the next Going Judge or Judges of Assize, or by the Justices of the Peace, or the Major Part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in which such Ground lies, which shall be

Laid

Laid into the said High-way or Road, or through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cause-ways Made, in Case of any Difference concerning the same; And if any Owner or Occupier of any Water-courses, Ditch or Ditches, Adjoining to the said High-way or Road, shall Neglect or Refuse to Scour or Clean such Water-courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid.

And whereas the said High-Way or Road, Leading from the said Town of Armagh in the County of Armagh, to the Town of Newry in the County of Down, may be considerably Shortned, and Made much more Convenient for Travellers, if the same was Carried Straight, and in a Direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be Given for the Land made Use of, in Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Nine or more of them, to Ascertain, Describe and Set a-part such a Part and Proportion of the Lands, Adjoyning or Contiguous to the said High-Way or Road, as they the said Trustees, or any Nine or more of them, shall adjudge necessary for Carrying the same Straight and in a Direct Line, Provided that no Part of the said Lands so to be Set a-part, be built on, and that the same be not Part of any Garden, Orchard, Yard, Planted Walk, or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or any Nine or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others, Interested in the said Ground, to be Made Use

of

of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same, out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Nine or more, shall think Fit and Reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability, by non Age, Coverture or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot or otherwise howsoever shall Refuse to Dispose of their respective Interest in such Land, as the said Trustees, or any Nine or more of them, shall think convenient for the Shortning of the said Road, in every such Case the said Trustees, or any Nine or more of them, are hereby Authorized and Impowered to issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County, wherein such Ground doth lie, to Impannel and Return before the said Trustees, or any Nine or more of them, at such Time and Place within the said County, as shall be appointed in such Warrant or Warrants, a Sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Nine or more of them, are hereby Impowered and Required to Administer) shall Inquire into the True and Real Value of such Ground, to be Made Use of for the said

High-Way or Road; And such Verdicts or Inquisitions as shall be so found and returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money so to be Collected, by such Receipt of the said Toll, will not at present be Sufficient for the Speedy Repairing of the said High-Way or Road,

Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof (the Costs and Charges whereof are to be Born and Paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Repayment thereof, with Lawful Interest, or less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this

Act

Act to be Applied and Diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the ſaid Truſtees, or any Fifteen or more of them, from Time to Time, during the Continuance of this preſent Act, to Make out Warrants or Orders in Writing, under their Hands, Directed to the Treaſurer or Receiver of the ſaid Tolls, Requiring him to Pay thereout, to the Perſon or Perſons Named in ſuch Warrant or Order, their Executors, Adminiſtrators or Aſſigns, the Growing Intereſt of the Sum of Money Mentioned in ſuch Warrant or Order, as the ſame ſhall from Time to Time become Due, until ſuch Time as the Principal Sum Mentioned in ſuch Warrant or Order ſhall be Paid off and Diſcharged at One Intire Payment.

Provided, That no Warrant or Order to be Iſſued to the ſaid Treaſurer or Receiver, by Virtue of this Act, ſhall be for any Greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon or Perſons to whom ſuch Warrants or Orders ſhall be Given, his, her or their Executors or Adminiſtrators, may, by Indorſements on ſuch Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in ſuch Warrants or Orders; Which Indorſements, upon No-

tice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof Made in a Book to be Kept for that Purpose (which the said Treasurer or Receiver shall, upon Request, without Charge, Fee or Reward, Make accordingly, and shall, on the like Request, permit to be Viewed at Reasonable Hours, without Fee or Reward) shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; And that the said Warrant or Order may, in like Manner, be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that, after such Assignment, it shall not be in the Power of the Person or Persons who Made such Assignment to Make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Number till the Whole be Arithmetically Numbred.

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And

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby Made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Road, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner herein after Mentioned (Viz.) That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said Treasurer or Receiver shall cause the Number of all the Warrants or Orders which shall be Issued and Delivered out in Pursuance of this Act, and the Sums therein Contained to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and put into a Box or Urn and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or more of them, shall publickly between the Hours of Ten and Twelve in the Forenoon of a Day to be by the said Trustees or Receiver publickly Advertised in the Dublin-Gazette for that Purpose, at least Twenty Days before at the Town of Newry, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds, and the Person or Persons, the

Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with Interest for the same till Paid, and shall upon Payment thereof, Deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver to be Cancelled, which he is hereby required to Cancel accordingly, and the Interest Payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person chargeable by any Law now in Being towards the Repairing the said High-way or Road, shall Yearly, during the Continuance of this Act, Do and Perform two Days of that Work commonly called The Statute-Work, which is Appointed by the Laws now in Being for the Amending of the High-ways in this Kingdom, in such Manner, Place and Places, being Part of the High-way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed by Virtue of this Act, shall by

by Writing under his or their Hand or Hands from Time to Time Order and Direct, and shall not be again Chargeable for the same by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever, and also that the respective Surveyor or Surveyors for the Time being, of all and every Parish and Parishes in which the said High-Way and Road intended to be Repaired by this Act lye, shall Yearly, and every Year, within four Days after Request made to him or them by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, give a List or an Account in Writing under his or their Hands, of the Name or Names of all and every Person or Persons in the said respective Parish or Parishes, who are, by the Laws now in Force, chargeable towards the Repairing the High-Ways of the respective Parishes, and what he or they is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors Appointed, or to be Appointed by Virtue of this Act; And that the said Surveyor or Surveyors of the said Parishes shall, within Three Days next after Notice Given by the said Surveyor or Surveyors Appointed by this Act, of the Time when, and how many of the said Persons so Chargeable as aforesaid, he or they would have to Do the said Two Days Work in and

upon the said Roads to be Repaired by this Act, either Summon or Give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons Keeping a Team, Cart, Carr, or other Carriage, and Chargeable towards the Repairing the High-ways as aforesaid, shall Neglect or Refuse to Do and Perform the said Two Days Work in the said High-way by this Act Intended to be Repaired, after such Summons or Publick Notice shall be Given as aforesaid, He or they respectively shall Forfeit and Pay the Sum of Five Shillings for each of the Two Days such Person or Persons Keeping a Team, Cart, Carr, or other Carriage, shall make Default; And if any Labourer, or other Person so Chargeable towards the Repairing the High-ways of the said Parishes, shall, at any Time, Neglect or Refuse, after such Summons or Publick Notice Given as aforesaid, to Do and Perform the said Two Days Work, in the said High-way by this Act Intended to be Repaired, He or they shall respectively Forfeit and Pay the Sum of One Shilling for each of the said Two

Days

Days such Labourer, or other Person or Persons, shall make Default: All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distrels and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or More Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or More of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before Mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for, and towards Amending the said High-way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act is to Go, and be Applied.

Provided allways, That in Case there shall be more than One Gate or Turnpike in, crols, or on the Side of the said High-way or Road between the said Town of Armagh in the County of Armagh, to the Town of Newry in the County of Down, no Person or Persons having Paid the Toll or Duty at the First Gate or Turn-pike through which such Person or

Persons shall Pass, and Producing a Note or Ticket, that the said Toll or Duty was Paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis,) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes upon the said High-way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no Person or Persons, having Occasion to Pass the Place or Places where the Toll or Duty is Taken, who shall Return the same Day, upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the said Toll or Duty more than Once upon the same Road.

And for Preventing Frauds and Abuses in the said Toll or Duty,

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having Paid the Toll or Duty by this Act Granted and Made Payable, and having such Note or Ticket, Notes or Tickets, as are hereby Required, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment

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ment of the ſaid Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Witneſs or Witneſſes, before the ſaid Truſtees, or any Five or More of them, or before any One or More Juſtice or Juſtices of the Peace of the County wherein ſuch Offence or Offences ſhall be Committed (which Oath the ſaid Truſtees, and the ſaid Juſtice or Juſtices are hereby Impowered to Adminiſter) ſhall reſpectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Diſpoſed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Diſpoſed of, by this Act.

Provided allways, and it is hereby Declared, That during the Continuance of this Act, all Coaches, and Paſſengers on Horſe-back, ſhall Paſs and Re-paſs, Toll-free, on the Day or Days on which there ſhall be an Election for Knight or Knights of the Shire to Serve in Parliament for the ſaid County of Armagh, or for any Burgeſs to Serve in Parliament for any Borough in the ſaid County; Any thing herein Contained to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and

are hereby Impowered, from Time to Time, as they shall see Convenient or think fit, to Compound or Agree by the the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected by Virtue of this Act, with any Milch-Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or other Carriage, for any Sum or Sums of Money to be paid Quarterly, from Time to Time after such Agreement shall be made.

Provided also, and it is hereby Declared, That no Person shall be Charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel or other Materials, for Repairing the said Road, or any of the Roads in the Parishes in which the same do lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Dury for any Carts, Carrs or Waggons, Loaden with Corn in the Straw only, nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the Using or Repairing of the same in the several Parishes in which the said High-Way or Road hereby Intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turn-pikes

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to

to be Erected for any Horſe, Mare, Gelding, Aſs, Mule, or other Cattle going to Water, or for any Poſt-horſe carrying the Mail or packet, or for ſuch Horſe as is or ſhall be Uſed only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided ſuch Horſe paſs through the ſaid Turn-pike or Turn-pikes with ſuch Waggon, Cart or Carriage; Nor ſhall any Toll or Duty be Demanded or Taken for the Horſes of Soldiers paſſing that are upon their March, or for Waggons, Carts, Carrs or other Carriages Attending them, or for Horſes, Waggons, Carts, Carrs or other Carriages, Travelling with Vagrants ſent by Paſſes, or with Priſoners Tranſmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforeſaid, That the Toll or Duty hereby Granted, ſhall take Place and have Continuance from and after the Firſt Monday in April, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, for and during the Term of Forty One Years.

Provided nevertheleſs, that if at any Time before the Expiration of the ſaid Term of Forty One Years, all parts of the ſaid Road ſhall be ſufficiently Amended and Repaired, and ſo Adjudged by the Majority of the Truſtees Appointed or here-

hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Repayment of such Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof, the said Tolls and Duties shall Cease and Determine; Anything herein contained to the contrary notwithstanding,

And be it further Enacted by the Authority aforesaid, That for the Continuing of a sufficient Number of able Persons to be Trustees for putting in Execution, all and every the Powers in this Act contained, for and during the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or refusing to Act in the said Trust, from Time to Time, and at all Times hereafter during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another Fit and Able Person, or so many more Fit and Able Persons, living in the said County of Armagh, to be joined with the said Trustees in the Execution of all and every the Power and Powers in them Reposed by Virtue of this Act, and all and every Person or Persons to be Chosen Trustee or Trustees to join in

putting

putting this Act in Execution, as they are herein before Qualified to do, shall, and are hereby Impowered to act, to all Intents and Purposes, in as Full, Large and Ample Manner, as the said Trustees are by this Act Impowered to do; And so Toties Quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall Meet at Newry in the County of Down, on the Sixth Day of April, in the Year of Our Lord, One thousand seven hundred and thirty six; And the said Trustees, shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-way or Road to be Repaired, as the said Trustees, or any Five or more of them, shall think Proper and Convenient, as often as it shall be Necessary, for putting this Act in Execution; And if it shall Happen, that there shall not Appear, at any Meeting which shall be Had or Held by the said Trustees, a Sufficient Number of Trustees to Act at such Meeting, and to Adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where

the Meeting of the said Trustees was last Appointed to be Had, or at some other Convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for Putting this Act in Execution, shall Have or Accept of any Place of Profit Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted; But such Person or Persons shall be Incapable, from the Time of Accepting and Continuing to Enjoy such a Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, that in every such Case the Action shall be Laid in the County of Armagh, and not Elsewhere; And the Defendant or Defendants in such Action or Actions to be Brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at

any

any Tryal to be had thereupon, and that the same was Done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be Done, or such Action or Actions shall be Brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-suited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if, on any Demurrer, Judgment shall be Given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and Have the like Remedy for the same, as any Defendant or Defendants Hath or Have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without Specially Pleading the same.

AN
ACT
FOR THE
RELIEF
OF
Inſolvent Debtors.

GII R

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, M DCC XXXVI.

AN

ACT

FOR

The Relief of Insolvent Debtors.

CHAP. XX.

WHEREAS Many Persons, by Losses and other Misfortunes, are Rendered Incapable of Paying their whole Debts, and though they are Willing to make the utmost Satisfaction they can, are nevertheless Detained in Prison by their Creditors, and Rendered Useless, and a Burthen to this Kingdom:

And whereas such unhappy Debtors, have allways been Deemed Proper Objects of Publick Compassion, and by Several Acts of Parliament, have been Discharged; For the Relief therefore of Insolvent Pri-

soners, who shall Faithfully Discover upon Oath, and Deliver up, and Assign all their Estates and Effects whatsoever, for the Benefit of their Creditors, and to Prevent, as far as Possible, the many Frauds and Abuses, which, in a great Measure, have Obstructed the good End of such former Acts,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every Sheriff or Sheriffs, Goaler or Keeper of any Prison or Prisons, in any County, City, Town and Liberty within this Kingdom respectively, shall, and is and are hereby Impowered and Required, to Take and Make a True, Exact and Perfect List Alphabetically, of the Name or Names of all and every Person or Persons, who, upon the Twenty ninth Day of September, in the Year One thousand seven hundred and Thirty four, was or were actually a Prisoner or Prisoners in Close Confinement, in the Custody of any such Sheriff or Sheriffs, Goaler or Goalers, or Keepers of any Prison respectively, upon any Process whatsoever, for, or by Reason of any Debt, Damages, Costs, Sum or Sums of Money, and of the Time when such Prisoner or Prisoners were Charged in Custody, together with the Name or Names

Names of the Perſon or Perſons, at whoſe Suit ſuch Priſoner or Priſoners, is or are Detained, and ſhall Deliver the ſame to the Juſtices at the Firſt General or Quarter-Seſſions of the Peace, to be Had after the Firſt Day of May, in the Year One thouſand ſeven hundred and thirty ſix, for ſuch County, City, Town or Liberty reſpectively, and ſhall, in open Court, take an Oath to the Effect following, Viz.

I *A. B.* do, upon my Corporal Oath, in the Preſence of Almighty God, Solemnly Swear, Profeſs and Declare, That all and every Perſon and Perſons, whoſe Name or Names are Inſerted and Contained in the foregoing Liſt, by me now Delivered and Subſcribed, were, to the beſt of my Knowledge and Belief, upon the Twenty ninth Day of *September*, in the Year of our Lord, One thouſand ſeven hundred and thirty four, Really and Truly Priſoners in the Priſon or Goal of

at the Suit or Suits of the ſeveral Perſons therein reſpectively Mentioned, and ſo have Continued, without any Fraud or Deceit by me, or any other to my Knowledge, unto this Day ; And that the ſaid Liſt is a True, Exact, Perfect and Juſt Liſt of all ſuch Perſons as were Really and Truly Priſoners in the ſaid Priſon or Goal of

on the ſaid Twenty ninth Day of *September*, in the ſaid Year One thouſand ſeven hundred and thirty four, and have

from that Time, to this Day, Continued in Custody Undischarged:

So help me God.

Which Oath, the Justices, at the said General or Quarter-Sessions, in Open Court, are hereby Impowered to Administer, the Words of which Oath, shall be Entered or Written at the End or Bottom of every such List so Delivered and Subscribed in Open Court, by every such Sheriff, Goaler or Keeper respectively, which List so Subscribed and Sworn unto, shall be Kept by the Clerk of the Peace of every such County, City, Town or Liberty respectively, for the better Satisfaction of the said Justices and Information of all Creditors, and to be Seen without Fee or Reward; And the said Justices, at the said General or Quarterly Sessions, shall Order Copies of the said List to be Printed, by the Clerk of the Peace, for each of which Printed Copies, he may take according to the Quantity of the Names therein Contained, what shall be Ordered by the said Justices, not exceeding Six Pence for each List, the same to be paid by such Person or Persons as shall Desire such Copy or Copies.

And to the End that no such poor Prisoners may be Defeated of his or her Discharges, according to the true Intent and Meaning of this Act, by having his, her or their Name or Names Left out

out of the ſaid Liſt, ſo to be Delivered,

Be it further Enacted by the Authority aforeſaid, That all and every ſuch Sheriff or Sheriffs, Goaler or Goalers, or Keeper of any Priſon, ſhall Fix up in the moſt Conſpicuous Place or Places in every ſuch Priſon, and at the moſt frequented and uſual Gate, Door or Entrance into any ſuch Priſon, three or more true Copies of the Liſt to be Delivered at the ſaid General or Quarter-Seſſions, Twenty one Days at leaſt before the ſaid Seſſions.

And if any ſuch Sheriff or Sheriffs, Goaler or Goalers, Keeper or Keepers of any ſuch Priſon, ſhall in any ſuch Liſt to be Delivered in as aforeſaid, Neglect or Refuſe to Inſert the Name of any Priſoner or Priſoners, who was or were actually cloſe Confined in Priſon on the ſaid Twenty Ninth Day of September, in the Year One thouſand ſeven hundred and thirty four, and had Continued ſo Confined as aforeſaid, the Perſon or Perſons ſo Neglecting or Refuſing to Inſert the the ſame, ſhall for every ſuch Name or Names ſo Omitted, Incurr and be Subject to ſuch Penalty or Penalties as are hereinafter Impoſed or Laid on every ſuch Sheriff or Sheriffs, Goaler or Goalers, Keeper or Keepers, who ſhall Neglect or Refuſe to Make out, Fix up or Deliver ſuch Liſt as aforeſaid, to be Recovered in the ſame Manner, and to be Applied to ſuch

Use and Uses as hereinafter Directed for the Recovery and Application of the Penalty, in Case of Neglect or Refusal to Make out such List as aforesaid.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, whose Names shall be Inserted in such Lists to be Delivered as aforesaid, who upon the said Twenty Ninth Day of September, in the Year One thousand seven hundred and thirty four, were actually close Prisoners in the Custody of any Sheriff or Sheriffs, Goaler or Goalers, or Keeper of any Prison respectively of this Kingdom, and who from thence as aforesaid, to the Time of their being Discharged in Manner as hereinafter is Directed, shall Continue actually close Prisoners, and who shall Take the Oath hereinafter Mentioned, shall and may be for ever Released and Discharged from their Imprisonment in such Manner as is hereafter Provided (that is to say) It shall and may be Lawful for any Justice or Justices of the Peace of any County, City, Town or Liberty within this Kingdom, upon the Petition of such Prisoner or Prisoners, by Warrant under his or their Hands and Seals to Require the Sheriff or Sheriffs, Goaler or Goalers, or Keeper of any such Prison within his or their respective Jurisdictions, to Bring before the Justices of the Peace, at the next Quarter-Sessions for the re-

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ſpective County, City, Town or Liberty, the Body of any Perſon being actually in Priſon for Debt or upon any other Action or Proceſs as aforeſaid, on the Day aforeſaid, which Warrant every ſuch Sheriff, Goaler or Keeper is hereby Commanded to Obey, under the Pain and Forfeiture of Ten Pounds for every ſuch Delay, Neglect or Refuſal, to be paid to the Priſoner Obtaining ſuch Warrant, and to be Recovered of any ſuch Sheriff, Goaler or Keeper of any Priſon, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoign, Protection or Wager of Law, or more than One Imparlance ſhall be Allowed.

And be it further Enacted by the Authority aforeſaid, That all Perſons who were actually cloſe Confined in Priſon by Legal Commitments or Proceſs, without Fraud or Colluſion with their Creditors or others, upon the Twenty Ninth Day of September, in the Year One thouſand ſeven hundred and thirty Four, and who have ever ſince ſuch Commitment, continued actually cloſe Confined in Priſon, upon any Action or Actions, or Meſne Proceſs for Debt, or other Action or Actions whatſoever, in which Judgments may be Obtained, or who have Judgment or Judgments Entred upon Record againſt them, or are Charged in Execution, or Impriſoned upon Attachments for Debt or Coſts, or other Action or Ac-

tions, or upon Outlawry or Outlawries before or after Judgment for Debt, Tale or Treſpaſs, or upon any other Proceſs whatſoever, Iſſued out of any Court of Law or Equity, for Debt, Damages or Coſts, who ſhall perform all and ſingular the Matters and Things Required by this Act, and who ſhall upon coming before ſuch Juſtices of the Peace at the ſaid Quarter-Seſſions, in open Court take an Oath to the Effect following, which Oath, the ſaid Court is hereby Impowered to Adminiſter, ſhall and may be Releaſed and Diſcharged from their Impriſonment, and the Debts Owing by them (that is to ſay)

I *A. B.* do, upon my Corporal Oath, in the Preſence of Almighty God, ſolemnly Swear, Profeſs and Declare, that I have not in my own Name, or in Truſt for me, in Land, Money, Stock, Debts, Credits, Effects, or any other Eſtate, Real or Perſonal whatſoever, in Poſſeſſion, Reverſion or Remainder, to the Value of Five Pounds in the whole, over and above the Effects contained in a Schedule now Delivered in by me, and that I have not directly or indirectly, Sold, Leaſed or otherwiſe Conveyed or Diſpoſed of otherwiſe than as in the ſaid Schedule is Mentioned, all or any Part of my Land, Money, Goods, Stock, or Eſtate, Real or Perſonal whatſoever, in Truſt for me, or whereby I, my Wife, Child or Children, am, or are to Receive, or Expect any Profit

or

or Advantage, or whereby to Defraud or Deceive any Creditor or Creditors to whom I am Indebted, and that I have not given or conveyed other than for the true and real Value actually Paid and Satisfied, any Effects Real or Personal, to any Person whatsoever, to the Amount of Five Pounds, from the Twenty Fifth Day of *March*, One thousand seven hundred and thirty four to this Time, and that I was actually a close Prisoner upon the Twenty Ninth Day of *September*, in the Year of our Lord One thousand seven hundred and thirty four, in the Prison of at the Suit of in the Custody of the Goaler or Keeper of the said Prison of without any Fraud or Collusion whatsoever, and that from that time till this Day, I have been in Custody and close Confined, at the Suit or Suits of the Person or Persons before named, unless at such Time when I was out of Prison by due Course of Law, betwixt the Times beforementioned:

So help me God.

Which said Schedule, being so Subscribed in the Presence of the Justices, in open Court and Sessions aforesaid, is to Remain with the Clerk of the Peace, for the better Information of all the Creditors of such Prisoner; And all the Estate, Right, Title, Interest and Trust of such Prisoner of, in and unto such Real Estate, as well Copy or Customary-hold

as Free-hold, and such personal Estate, Debts and Effects, Contained in such Schedule as aforesaid, shall Immediately after the Discharge of such Prisoner be, and is hereby Vested in the Clerk of the Peace of, and for the County, City or Town Corporate, wherein such Prisoner is Discharged, in Trust only, and for the Use of the Creditor and Creditors of such Prisoner; Which said Clerk of the Peace is hereby Directed and Authorized, by Order of the Justices, at their General Quarter-Sessions of the Peace, to make an Assignment of the said Estate and Effects, to such of the Creditors of the said Prisoner, as the Major Part of the Creditors (such Creditor and Creditors Making Oath of the Reality of their Debt) of the Prisoner, in Number and Value, who shall Apply for the same, by any Writing under their Hands, shall Direct and Appoint (for which Assignment the said Clerk of the Peace shall Take a Fee of One Shilling, and no more) in Trust for themselves and the rest of the Creditors; Which said Assignee or Assignees is, and are hereby Impowered to Sue for, either at Law or in Equity, in his, her or their own Name or Names, and to Recover and Receive the same, and give sufficient Discharge and Discharges to each respective Debtor or Debtors; And after the Receipt thereof, such Assignee or Assignees are hereby Required fully

fully to Divide the same among such Creditors who, within One Month after Notice of such Dividend, to be Published in the Dublin-Gazette, Published by Authority, shall Produce to such Assignee or Assignees an Affidavit, made before One or more Justice or Justices of the Peace (who is, and are hereby Impowered to Take the same) Proving his or her Debt Due from the Prisoners so Discharged, in Equal Proportions, According to their respective Debts, and to Render the Overplus (if any shall be, their own Debt and Charges first Deducted) to the Prisoner so Discharged, his Executors, Administrators and Assigns: And in Case such Clerk of the Peace shall Neglect to Make such Assignment, by the Space of Fifteen Days after such Order Made by the Justices as aforesaid, and such Trustees Appointed as aforesaid, and Notice thereof Given to the said Clerk of the Peace, Then such Clerk of the Peace, so Neglecting or Refusing, shall Forfeit One Hundred Pounds, to be Recovered for the Benefit of the several Creditors of such Prisoner respectively, by any of the said Creditors who shall Sue for the same.

Provided allways, That nothing herein before contained shall Extend to, or Prejudice or Effect any Estate, Interest or Right whatsoever, of any other Person or Persons than the said Prisoner, of, into or out of the said Estate or Effects, which

shall be Mentioned or Inserted in such Schedule, so to be Delivered as aforesaid, but that the Estate, Interest and all Right whatsoever of every such other Person or Persons as aforesaid, shall remain and continue in the same Manner as if this Act had not been made.

And be it Enacted by the Authority aforesaid, that where the Estate or Effects of any Debtor have been in Pursuance of any former Act made in this Kingdom for the Relief of Insolvent Debtors, Assigned to or Invested in any Clerk of the Peace in Trust for the Creditors of such Debtor, and have not been Distributed or paid to such Creditors, every such Clerk of the Peace at the Quarter-Sessions to be held for the County, City, Town or Liberty, where such Debtor was Discharged, shall Assign such Estate and Effects in the Manner, and under Pain of the Forfeitures herein before mentioned, and every Assignee shall have the like Powers and be subject to the like Orders and Directions in all Respects as the Assignees herein before mentioned.

And be it further Enacted by the Authority aforesaid, That the Justice or Justices, who shall Grant such Warrant or Warrants for Bringing such Prisoner or Prisoners before the Justices of the Peace, at their next General or Quarter-Sessions, shall without Fee or Reward Give a Writing, Importing Notice to the Creditor

ditor or Creditors under his Hand and Seal, that he has Granted such Warrant, and that the Prisoner has Petitioned him to be Discharged, and the said Summons or Notice shall be Left with, or Served upon such Person or Persons, his or their Executors, Administrators, Attorneys or Agents Lawfully Authorized, to be Left at the Dwelling House or usual Place of Abode, to whom the Prisoner shall Stand Indebted, and Publick Notice shall also be Inserted in the Dublin Gazette, Published by Authority, Containing the Name, Trade or Occupation, and last Place of Abode of every Prisoner, and of the Prison wherein he or she is Confined, and of his or her Intention to Take the Benefit of this Act, for which there shall be Paid Two Shillings and Six Pence, and no more, which said Notice and Publication as aforesaid, shall be at least Twenty one Days before such Quarter-Sessions, thereby appointing as well the said Persons as the Prisoner, to Appear before the Justices of the next General or Quarter-Sessions of the Peace, to be Held for the same County, City, Town or Liberty, and when it shall Appear upon Oath before the said Justices, That the said Summons was so Served or Left, and Publick Notice Inserted in the Dublin Gazette Published by Authority, Twenty One Days or more before the said Sessions, and the said Oath Taken by the said

Prisoners, be not Disproved by Good Testimony of any Credible Person upon Oath, to be Administred by the said Justices of the Peace, and that the said Person so Petitioning was actually a close Prisoner as aforesaid, upon the Twenty Ninth Day of September, in the said Year One thousand seven hundred thirty and four, and shall have so Continued to the Time of such Prisoner or Prisoners Discharge, then such Justices of the Peace in their said General or Quarter-Sessions, or the Major Part of them being Satisfied therewith, shall thereupon (without Fee or Reward) by Order of the said Sessions, Command the Sheriff or Sheriffs, Goaler, or Goalers, Keeper or Keepers of such Prison or Prisons forthwith to Set at Liberty such Prisoner, which Order shall be a Sufficient Discharge to the Sheriff or Sheriffs, Goaler or Goalers, or Keeper of such Prison or Prisons, and shall Indempnify him or them against any Escape or Escapes, Action or Actions whatsoever, which shall or may be Brought, Commenced or Prosecuted against him or them by Reason thereof.

And be it further Enacted by the Authority aforesaid, That no Prisoner that shall be Discharged by Virtue of this Act, shall at any Time hereafter be Imprisoned for any Debt, Damages or Costs, for which he, she or they were Committed to the Prison before the Twenty ninth Day of September, in the Year One thousand seven hun-

hundred thirty and four, or for any Debt or Damages, which he, she or they had Contracted, or were by him, her or them Owing and Due before the said Twenty ninth Day of September, in the Year One thousand seven hundred thirty and four; And that upon any Arrest upon such Debt or Damages, it shall and may be Lawful, to and for him, her or them, shewing a Duplicate of his, her or their Discharge, which he, she or they are to have, without Fee or Reward, to Retain an Attorney to Appear for him, her or them, and File Common Bail only, and no more to be Required to every Action, and Plead the General Issue, and give this Act in Evidence, so that the Plaintiff may Recover, and Enter up Judgment against such Prisoner, to be Executed and Levied upon the Lands, Tenements, Goods and Chattels of such Prisoner, his or her Wearing Apparel, and necessary Furniture, for his or her Dwelling-House, and the Furniture or necessary Tools for his or her Occupation, not exceeding in the Whole, the Value of Five Pounds, and such Goods as he or she hath, had or shall have, upon Fresh Credit, after such his or her Discharge, only excepted, but not upon his, her or their Person, which shall for ever hereafter be Freed and Discharged from Imprisonment for any such Debt, Damages or Cost, for which they were Confined, or which was Contracted, Due and Owing

ing by them, before the said Twenty ninth Day of September, in the Year One thousand seven hundred and thirty four.

And be it further Enacted by the Authority aforesaid, That if any Sheriff or Sheriffs, Goaler or Goalers, or Keeper of any Prison, shall Neglect or Refuse to make out and Deliver such Lists as aforesaid, or take the said Oath before mentioned, or shall Refuse or Delay to bring such Prisoner to the Quarter-Sessions, in Order to his or her Discharge, or Detain the Prisoner after he shall be Discharged; Or if the Printer of the Dublin Gazette, Published by Authority, shall Neglect or Refuse to Insert therein the Name, Trade, Occupation and last Place of Abode of such Prisoner, on a reasonable Request, and Notice to him made and given for that Purpose, or shall Take or Receive any Fee or Gratuity, more than as aforesaid, for so doing, every such Sheriff, Goaler and Keeper of such Prison and Prisons, and such Printer of the Dublin Gazette, Published by Authority, shall respectively Forfeit and Pay to each Prisoner the Sum of Ten Pounds, which shall and may be Recovered, with treble Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of the Courts of Dublin, wherein no Essoign, Protection or Wager of Law, or more than one Imparlance, shall be Allowed, and also shall be liable to such Fine, not exceeding Ten Pounds,

pounds, as the Juſtices of the Peace in their Diſcretion ſhall think fit to Impoſe.

And be it further Enacted by the Authority aforeſaid, That any Court of General or Quarter-Seſſions, which, Purſuant to the true Intent and Meaning of this Act, ſhall make any Order for the Diſcharge of any Priſoner or Priſoners aforeſaid, ſhall, if Required by any Creditor or Creditors, who ſhall Oppoſe ſuch Priſoners Diſcharge, Adminiſter or Give ſuch Sheriff or Sheriffs, Goaler or Goalers, Keeper or Keepers, of ſuch Priſon or Priſons, wherein the ſaid Priſoner or Priſoners is or are, an Oath to the Effect following (that is to ſay)

I *A. B.* Do, upon my Corporal Oath in the Preſence of Almighty God, Solemnly Swear, Profeſs and Declare, That

was Really and Truly my Priſoner, in my Cuſtody, in the Priſon of

to the Beſt of my Knowledge and Belief, at or upon the ſaid Twenty ninth Day of *September*, in the Year of our Lord, One thouſand ſeven hundred thirty and four, and from that Time, to the Beſt of my Knowledge, hath to this Day ſo Continued, unleſs out of Priſon by Due Courſe of Law, without any Fraud or Deceit by me, or by any other, to the Beſt of my Knowledge:

So help me God.

Provided allways, And be it Enacted by the Authority aforesaid, That if such Person or Persons as was the Sheriff or Sheriffs, Goaler or Goalers, or Keeper of such Goal or Prison, on the said Twenty ninth Day of September, in the Year of our Lord, One thousand seven hundred thirty and four, shall not happen to be the Sheriff or Sheriffs, Goaler or Goalers, or Keeper of such Goal or Prison, at the Time of Making such Order, That the said General or Quarter-Sessions, if Required as aforesaid, shall Administer and Give to such Person as shall be Sheriffs, Goaler or Keeper of such Prison or Prisons, at the Time of Making such Order, an Oath touching the Commitments or Books of Commitments, to the Effect following (that is to say)

I *A. B.* Do, upon my Corporal Oath in the Presence of Almighty God, Solemnly Swear, Profess and Declare, That I have Examined the Commitments or Books kept of, or concerning the Commitments of Prisoners to the Prison of in the County of and verily Believe, That the said Commitments or Books of Commitments are Really True, and not Fictitious, nor Calculated for this Purpose ; And by them it does Appear, That was upon the Twenty ninth Day of *September*, which was in the Year of our Lord, One thousand seven hundred and thirty four, Really and Truly

Truly a Priſoner in the Cuſtody of the then Sheriff, Goaler or Keeper of the ſaid Priſon, and from that Time hath ſo Continued, without Fraud or Deceit, by me or the ſaid or any other Perſon or Perſons, to my Knowledge:

So help me God.

And be it further Enacted by the Authority aforeſaid, That if any ſuch Sheriff or Sheriffs, Goaler or Goalers, or Keeper of any Priſon, ſhall, in Taking any of the aforeſaid Oaths, For, ſwear or Perjure himſelf, and ſhall thereof Lawfully be Convicted, Such Sheriff, Goaler or Keeper of ſuch Priſon or Priſons, over and above ſuch Penalties as may be Inflicted on Perſons Convicted of Perjury, ſhall, upon every ſuch Conviction, Forfeit and Pay to each and every Creditor or Creditors, ſo much as his and their Debts and Demands, which were Due to them from the Perſon or Perſons whoſe Names were ſo Inſerted, to be Recovered, with full Coſts, by Bill, Plaint or Information, or Action of Debt, in any of His Majeſty's Courts of Dublin, wherein no Eſſoign, Protection or Wager of Law, or other Delay, ſhall be Allowed by, and in the Name of ſuch Perſons, their Executors and Adminiſtrators, as ſhall, in Purſuance of this Act, be Appointed Aſſignees of the Eſtate and Effects

fects of the Prisoner or Prisoners, for Discharging of whom such Perjury shall be Committed; And for Want of such Assignee, in the Name or Names of any other Creditor or Creditors who will Sue for the same: And in Case the Sum so to be Recovered, be not above Twenty Pounds, it shall and may be Lawful to and for the said Person or Persons so Suing, to Recover the same by Civil Bill, in the same Manner as by the Civil Bill Acts, other Debts and Demands are to be Recovered,

And be it further Enacted by the Authority aforesaid, That if any Person who now is, or was on the said Twenty Ninth Day of September, in the said Year, One thousand seven hundred thirty and four, Sheriff, Goaler, or Keeper of any Prison, shall Insert in the List delivered in as aforesaid, the Name or Names of any Person or Persons, who was or were not Prisoner or Prisoners actually in close Custody on the said Twenty Ninth Day of September, in the Year One thousand seven hundred thirty and four, or being Prisoner or Prisoners on the said Twenty Ninth Day of September, in the Year One thousand seven hundred thirty and four, did not from that time actually Continue forth to the Time of Making out and Delivering such List, according to the Tenor of the said Oath, taken at the Time of Delivering in such List, every such

Sheriff,

Sheriff, Goaler or Keeper, shall for every Name so inserted as aforesaid, Forfeit and pay the Sum of One hundred Pounds, to be Recovered in the same Manner, and to be Applied to the same Use or Uses, as is herein before Directed for the Recovery of the Penalty and Forfeiture in Case of Conviction of Perjury.

And be it further Enacted by the Authority aforesaid, That if any Sheriff, Goaler or Keeper of any Prison or Prisons, shall make, or Cause to be made, any False Entries in any Book or Books belonging to the said Prisons, or shall Prepare and Keep, or cause to be Prepared and Kept, any False Books in Order for such False Entries, such Sheriff, Goaler or Keeper, shall over and above the Penalties which may be Inflicted for such Fraud, Forgery and Corruption, Forfeit and pay the Sum of One Hundred Pounds, to be Recovered with Treble Costs of Suit, by and in the Name of any Person or Persons who will sue for the same by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at Dublin, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Provided always, and be it Enacted by the Authority aforesaid, That this Act shall not Extend to Discharge any Person out of Prison, who shall stand Charg-

ed at the Suit of the Crown, or Indebted to any One Person in the Sum of above One Hundred Pounds, besides Interest and Costs, or above Four Hundred Pounds in the Whole, or have heretofore had the Benefit of any Act of Grace; And that the Certificate of the Clerk of the Peace of their having had the Benefit of such Act shall be Evidence thereof.

And be it further Enacted by the Authority aforesaid, That if any Prisoner as aforesaid, taking the Benefit of this Act, shall Forswear or Perjure himself or herself in any of the Matters aforesaid, and shall be thereof Lawfully Convicted of Wilful Perjury, he or she shall be Adjudged a Felon, and suffer as such without Benefit of Clergy or of the Statute.

And be it further Enacted by the Authority aforesaid, That if any Clerk of the Peace shall Delay or Refuse to give every or any such Prisoner so Discharged as aforesaid, within Twenty one Days after his or her Discharge, a Duplicate of his or her Discharge on the Payment of Five Shillings, or shall take more than the said Sum of Five Shillings for such Duplicate, he shall Forfeit and pay to every such Prisoner, the Sum of Five Pounds, to be Ordered to be paid by the Justices of the Peace at their General Quarter-Sessions of the Peace, who are hereby Impowered to Levy the same, by Distress

Diſtreſs and Sale of the Goods of the Perſon ſo Offending.

And for the better Diſcovery of all ſuch Priſoners Eſtates; Be it Enacted by the Authority aforeſaid, That all and every Perſon or Perſons, who ſhall have Accepted of any Truſt or Truſts, and ſhall Conceal and Protect any Eſtate, Real or Perſonal, of any Priſoners Diſcharged by this Act as aforeſaid, from his, her or their Creditors, and ſhall not, within Forty Days after Notice thereof given in Writing, by any Creditor or Creditors, of ſuch Priſoner, Diſcover and Diſcloſe ſuch Truſt and Eſtate, by Notice in Writing, to be Filed with the Clerk of the Peace, of ſuch County, City, Town or Liberty where ſuch Priſoner was Diſcharged by this Act, thereby fully ſetting forth all the ſaid Eſtate, whether Real or Perſonal, ſo Intruſted with him or them, ſhall for every ſuch Default or Wilful Omiſſion, Forfeit double the Value of ſuch Eſtate, Real or Perſonal, or Sum ſo Concealed, to be Recovered by the Aſſignee or Aſſignees, for the Uſe of the Creditors, by Bill, Plaint or Information, or Action of Debt, in any of his Majeſtys Courts of Record in Dublin.

And whereas Several Perſons who were Confined in Priſon, on the Twenty ninth Day of September, in the Year One thouſand ſeven hundred thirty and four, may have been Removed to ſome other Priſon by

by Process of Law; Be it Enacted by the Authority aforesaid, That if the Goaler of the Prison wherein any such Prisoner was Confined, on the said Twenty ninth Day of September, in the Year One thousand seven hundred thirty and four, shall make Affidavit of such Confinement, and the Continuance of it, until the Removal to such other Prison as aforesaid, and shall Transmit such Affidavit to be Attested on Oath, at the Sessions where such Prisoner may Claim to be Discharged; And if the Goaler of the Prison, whereto such Prisoner may have been or shall be Removed as aforesaid, shall make Oath in Open Court, at such Sessions as aforesaid, of the Actual Confinement of such Prisoner in the said Prison, from the Time of his or her being brought thither by Process of Law as aforesaid, to the Time of the Sessions, when such Prisoner Claims to be Discharged as aforesaid, it shall and may be Lawful, for the Justices of the Peace at such Sessions as aforesaid, upon such Oaths as aforesaid; And upon such Prisoners Performing all other Matters Required by this Act to Discharge such Prisoner as Effectually, as if he or she had been Confined in One and the same Prison, such Prisoner Swearing to his or her Confinement in Two Prisons as aforesaid; Any Thing in this Act to the Contrary notwithstanding.

And

And be it further Enacted by the Authority aforesaid, That if Action of Escape or any Suit or Action be brought against any Justice or Justices of the Peace, Sheriff, Goaler or Keeper of any Prison for performing their Office in Pursuance of this Act, they may plead the General Issue, and Give this Act in Evidence, and if the Plaintiff be Non-Suited or Discontinue his Action or Verdict Pass against him, or Judgment be Given against him upon Demurrer, the Defendant shall have Treble Costs; Provided that the Discharging of any Person by Virtue of this Act, shall not Acquit any other Person from such Debt, Sum or Sums of Money, or any Part thereof, but that all others shall be Answerable for the same in such Manner, as they were before the Passing of this Act.

And Whereas John Hankison, late of the City of Dublin, Merchant, by his Humble Petition and Supplication hath Set forth, that he had been a Considerable Dealer in the said City, and Lived in Credit, but on Account of Several Misfortunes and Accidents in Trade, he was Forced about Three Years since to Withdraw himself, and has ever since been Obliged to Conceal himself, and the Truth thereof Appearing by Evidence and Certificate, and Evidence of upwards of three Fourths of his Creditors, in Value, of his Inability to Pay them their respective Debts,

and their Consent to have him Included within the Benefit and Intention of this Act, notwithstanding he was not in Close Confinement and in Goal:

Be it Enacted by the Authority aforesaid, That the said John Hankison, shall be, and is hereby Discharged of, and from all Debt or Debts, now Due from him; He the said John Hankison, taking the Oath Prescribed by this Act, Saving only that Part which Relates to the Imprisonment of the said John Hankison, and Performing upon his Part, all other the Requisites by this Act Appointed, and Subject to all Forfeitures and Penalties by this Act Inflicted or to be Inflicted on those who shall Receive the Benefit thereof; Any Thing in this Act Contained to the Contrary thereof in any wise notwithstanding.

Provided allways, That nothing herein Contained, shall Extend or be Deemed, Construed or Taken to Extend to give any Benefit, Ease, Discharge or Release, to any Person or Persons whatsoever, now in Custody of any Marshal or Goaler within this Kingdom of Ireland, at the Suit of any Person or Persons, Bodies Corporate or Politick, for Rent or Arrears of Rent, which became Due and Payable, out of any Lands, Tenements or Hereditaments, where he, she or they, Owing such Rent or Arrears of Rent, or any other Person or Persons, Deriving by, from or under him, her or them, is or are, in

Possession

Poſſeſſion of all or any of ſuch Lands, Tenements or Hereditaments, or to any Perſon or Perſons, now in Cuſtody at the Suit of any Perſon or Perſons, Bodies Corporate or Politick, for any Maim or Aſſault, or for any Publick Money Received by any Perſon or Perſons whatſoever, in Cuſtody for the ſame.

Provided alſo, That no Perſon that is Indebted to any Perſon or Perſons, as Guardian, Truſtee, Executor or Adminiſtrator, ſhall be Intitled to the Benefit of this Act.

And be it further Enacted by the Authority aforeſaid, That in all Caſes wherein by this Act an Oath is Required, the Solemn Affirmation of any Perſon being a Quaker, ſhall and may be Accepted and Taken in the Place thereof; And every Perſon making ſuch Affirmation, who ſhall be Convicted of Wilful and Falſe Affirming, ſhall Incurr and Suffer ſuch and the ſame Pains, Penalties and Forfeitures, as are Inflicted and Impoſed by this Act, or by any other Laws and Statutes of this Realm, upon Perſons Convicted of Wilful and Corrupt Perjury.

Provided alſo, and be it Enacted by the Authority aforeſaid, That this Act, or any Thing therein Contained, ſhall not Extend to Releaſe or Diſcharge Thomas Grace, now in the Cuſtody of the Marſhal of the Four-Courts, Dublin, at the Suit of the Executors of Henry Lutterel, Eſq; Deceas'd; but

that he the said Thomas Grace, shall be and Continue in Goal or Safe Custody, as if this Act had never been made.

Provided also, and be it Enacted by the Authority aforesaid, That this Act or any Thing therein Contained, shall not Extend to Release or Discharge Maurice Bendon, now in the Custody of the Marshal of the Four-Courts, Dublin, at the Suit of Wriothesly Delarne, Esq; Deceas'd, or his Executors or Administrators, but that he the said Maurice Bendon, shall Be and Continue in Goal or Safe Custody, as if this Act had never been made.

Provided also, and be it further Enacted by the Authority aforesaid, That this Act, or any Thing therein Contained, shall not Extend to Release or Discharge John Jacob Voto, now in the Custody of the Marshal of the Four-Courts, Dublin, at the Suit of Several Persons, but that he the said John Jacob Voto, shall Be and Continue in Goal or Safe Custody, as if this Act had never been made.

Provided also, and be it Enacted by the Authority aforesaid, That this Act, or any Thing therein Contained, shall not Extend to Release or Discharge James Eccles, now in Custody of the Marshal of the Four-Courts, Dublin, at the Suit of Several Persons, but that he the said James Eccles, shall Be and Continue in Goal or Safe Custody, as if this Act had never been made.

AN

ACT

FOR

Repairing the Road Leading from the Town of *Mullingar* in the County of *Weſtmeath*, over *Ballynelack*-Bridge in the ſaid County, and through *Edgeworthſtown* in the County of *Longford*, to the Town of *Longford* in the ſaid County of *Longford*; And for the other Purpoſes therein Mentioned.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.

A N

A C T

FOR

Repairing the Road Leading from the Town of *Mullingar* in the County of *Weſtmeath*, over *Ballynelack*-Bridge in the ſaid County, and through *Edgeworthſtown* in the County of *Longford*, to the Town of *Longford* in the ſaid County of *Longford*; And for the other Purpoſes therein Mentioned.

CHAP. XXI.

WHEREAS the High-Way or Road Leading from the Town of Mullingar in the County of Weſtmeath, through the Town of Ballynelack in the ſaid County, and through the Town of Edgeworthſtown in the County of Longford, to the Town of Longford in the ſaid County of Longford, by Reaſon of the ſe-

veral Hollow Ways, and of the Many and Heavy Carriages frequently Passing through the same, is Become so Ruinous and Bad, that, in Winter-Season, many Parts thereof are Impassable for Waggons, Carts, Carrs and Carriages, and very Dangerous for Travellers, and Cannot, by the Ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended, and Kept in Good and Sufficient Repair:

Wherefore, and to the Intent, that the said High-Way and Road may, with Convenient Speed, be Effectually Amended, and hereafter Kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, the Right Honourable George Earl of Granard, the Right Reverend Arthur Lord Bishop of Meath, the Right Reverend Josiah Lord Bishop of Kilmore and Ardagh, the Honourable Humphry Butler Esquire, the Honourable George Lord Forbes, the Right Honourable Richard Tighe Esquire, the Right Honourable Sir Henry King Baronet, the Right Honourable

nourable Sir Edward Crofton Baronet, the Right Honourable Lieutenant-General Owen Wynne, the Right Honourable Henry Bingham Esquire, Sir Richard Levinge Baronet, Sir Arthur Acheſon Baronet, Sir Henry Tuite Baronet, Sir John Bingham Baronet, Sir Arthur Newcomen Baronet, Colonel Owen Wynne, James Wynne Esquire, Michael Cuff Esquire, Joſhua Cooper, Robert Rochford, St. George Uſher St. George, John Preſton, Anthony Malone, Henry Lyons, Anthony Sheppard Senior, Anthony Sheppard Junior, Henry Edgworth, Richard Malone, Herbert Price, John Rochford, William Handcock, Esquires, Captain John Wynne, Charles Lambert Senior, Charles Lambert Junior, John Bowen, William Tighe, Thomas Magan, Robert Percival, Wentworth Harman, William Magan, Walter Jones, William Gore, Thomas Newcomen, James Newcomen, Richard Edgeworth, Robert Fox, Bolton Jones, Thomas Whitney, Esquires, Mr. Edward Magan, James Macartney, John Folliot, Anthony Marlay, Thomas Burgh, Esquires, Captain Shuckburgh Whitney, William Gambell, William Kennedy, Lewis Meares, Hugh Henry, Francis Lucas, Thomas Mahon, Samuel Auchmuty, Robert Bray, Arthur Gore, John King, Peyton Fox, William Wilder, Henry Boyer, Boleyn Whitney, Pooley Mollineux, Robert Adair, Esquires, Robert Sandford, Charles Newcomen, Leſlie Corry, Thomas Crofton, Abney Parker, William Harwood, Esquires, the Reverend Archdeacon

Thomas Taylor, the Reverend Eſſex Edgworth, the Reverend Thomas White, the Reverend Samuel Spann, the Reverend Morris Nellegan, the Reverend David Borquet, and the Reverend Michael Mc Kinlay, the Reverend Joſeph Caddy, Samuel Forth, Francis Wilſon, Richard Auchmuty, Forbes Auchmuty, James Lowther Senior, James Lowther Junior, Samuel Campbel, Carncroſs Nesbitt, Bryan Cuningham, Hugh Crofton, John Irwin, Martin Armſtrong and Lancelot Lowther, Eſquires, Oliver Mills, Charles Lyons, John Lyons Senior, John Lyons Junior, Eſquires, Sir John Pearce, the Honourable John Allen Eſquire, Arthur Rochfort, Arthur Gamble, Clement Barry, Judge Rochford, John Wood, George Rochford, Hercules Rowley, John Gay, Thomas Pakenham, Robert Savage and Mead Swift, Eſquires, David Jones, Francis Humphrys, John Lemon, Thomas Featherſton, William Robinſon, Francis Featherſton, William Kenny, John Webſter, John St. Morris, James Webſter, John Trimble, James Cathcart, William Magawly, William Slater, James Black, Charles Dowdall, Andrew Magawly, James Bond, Oliver Bond, James Slater, Alexander Slater, Robert Wilſon, James Wilſon, John Harris, Oliver Fitzgerald, John Gray, William Gray, William Howard, John Crofton, Edward Bonham, Robert Greer Junior, Thomas Greer, John Birtles, Richard Newgent, Henry Abernathy and George Rochfort Junior, Gentlemen, and the Survivors of them, ſhall be, and are

are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turnpike or Turn-pikes, in, upon, or acroſs any Part or Parts of the ſaid High-Way and Road; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, Before any Horſe, Mare or Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr, or other Carriages, ſhall be permitted to Paſs through the ſame (Viz.) For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by any Leſſer Number of Horſes, Geldings or Mares than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn with Two Horſes, Geldings or Mares, Six Pence; For every Waggon, Wain, Cart or other Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horſes, Mares, Geldings or Oxen, the Sum of Five Shillings; For every Cart, Carr or other Car-

riage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Cartriage Commonly Called a Chair or Chaise, with one Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Cartriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny, Excepting Carrs Loaden with Turf, and for each of them, One Half-penny; And for any Horse or other Cattle, Loaden with Turf, not Drawing, One Half-penny; For every other Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, Colws or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Five Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said Respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is and shall hereby be Vested in the said Trustees, and the same, and every Part thereof, shall be Paid, Applied, and Disposed of and Assigned to and for the several Uses, Intents and Purposes, and in such Manner, as is hereinafter Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or

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any Perſon or Perſons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized to Levy the Toll or Duty hereby Required to be Paid, upon any Perſon or Perſons, who ſhall, after Demand made thereof, Neglect or Refuſe to Pay the ſame, by Diſtreſs of any Horſe or Horſes, or other Cattle or Goods, upon which ſuch Toll or Duty is by this Act Impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons, who ought to Pay the ſame, and may Detain and Keep the ſame, till ſuch Toll or Duty, with the Reaſonable Chatges of ſuch Diſtraining and Keeping, ſhall be Paid; And it ſhall and may be Lawful to and for the Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods Diſtrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after ſuch Toll, Duty and Reaſonable Charges for Diſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money, Ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall Firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, and Building ſuch Toll-Houſe or

Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or Set up on the ſaid Road, Leading from the Town of Mullingar, in the County of Weſtmeath, through the Town of Ballinelack and Edgworthſtown, as aforeſaid, to the Town of Longford in the County of Longford, ſhall be Applied for and towards the Repair of the ſaid Road only, and not elſewhere.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, Owning, Renting or Occupying any Land, near unto any Turn-pike to be Erected in Purſuance of this Act, ſhall for Gain, Reward or otherwiſe, Permit any Perſon or Perſons whatſoever to Paſs through any Gate, Paſſage or Way, with any Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horſe, Mule, Aſs or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and ſhall be thereof Convicted, upon Oath of One or more Witneſs or Witneſſes, before the ſaid Truſtees, or any Five or more of them, or before One or more Juſtice or Juſtices of the Peace, for the County wherein ſuch Offence or Offences ſhall be Committed, who

who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-Way or Road, cross any Lane or Way, leading out of the said Road, and to Build one or more Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge in case of Passing through any other Turn-pike to be Erected by Virtue of this Act, from the Town of Mullingar, in the County of Westmeath, to the Town of Longford in the County of Longford.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their

first Meeting, or any succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint, one or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors, of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act, and also, one or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said High-Way or Road, and to take Care that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act, be duly Applied, and shall and may from time to time Remove such Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and Appoint new ones in Case of Death or of such Removal; And such Person or Persons as is or are liable by this Act to pay the said Toll or Duty is and are hereby required to Pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty in that Behalf, from Time to Time Appointed as aforesaid, for the Receiving the said Toll and Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or

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Justices of the Peace Residing near the High-Way or Road aforesaid, which Oath, such Trustees, or any Five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer, on the First Tuesday in every Month, or oftner if required, during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by reason of their respective Offices, for which Oath no Fee or Reward shall be taken; And in Case any Money so Received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disburfed and Laid out in Amending the said High-Way or Road, According to the True Intent and Meaning of this Act, and not Otherwise; And the said Trustees, or any Five or More of them, to whom such Account shall be Given, shall and may, Out of the Money Arising by the said Toll or Duty, Make such Allowance to the said Receiver or Receivers,

Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and Pains respectively Taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been or shall be Assisting in and about Procuring the said High-Way and Road to be Amended and Repaired, as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not Annually Exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not Exceeding Two Shillings and Six Pence per Day, During such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads, and so as such Allowance or Allowances to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not Make such Account and Payment unto such Person or Persons, According to the Orders and Directions of the said Trustees, or any Five or More of them as aforesaid, That then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden for the County in which the said Receiver

ceiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted, or been Employed, and Made such Default as aforesaid, shall, and are hereby Required and Impowered to Make Inquiry, and Finally to Determine of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or More Credible Witness or Witnesses upon Oath, which Oath they are hereby Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof by such Justices, the said Justice shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County where such Offence shall be Committed, there to Remain without Bail or Mainprize, until he or they shall have Made a True and Perfect Account, and Payment as aforesaid.

And be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village or Hamlet in or near which any Founderous or Ruinous Places of the said High-Way or Road do Lie, and for Want of Sufficient

ficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raise, Take and Carry away the same out of any Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without Paying any Thing for the same; And where there is not Sufficient of any such Materials in any Common or Waste Ground near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Five or More of them, to Dig, Raise and Gather the same, in the several Grounds of any Person or Persons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a House, where any such Materials are or may be Found, and from Time to Time to Carry away such and so much thereof, as the said Surveyor or Surveyors shall Adjudge Necessary for the Repairing and Amending the said High-Way or Road, Paying such Rate for such Materials to the Owner or Occupier of the Ground from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed to put this Act in Execution, or any Five or More of them, shall Adjudge Reasonable: And in Case of any Difference between such Owner or Occupier and the said Trustees, Touching the Value of the Materials and the Damage

mage aforesaid, the Judges of Assize at the next General Assizes and General Goal-Delivery, to be Holden in the Country where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the Surveyor or Surveyors, and such Person or Persons, as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road hereby Intended to be Repaired by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-Way or Road, and to Cleanse any Ditch or Water-Courses Adjoining to the said Road, and to Cut down, Lop or Top any Trees or Bushes, Growing in the said High-way, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same; The Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing, Given for that Purpose, under the Hands of Five of the said Trustees, the Charges whereof shall be Reimbursed, the said Surveyor or Surveyors by such Owners or Occupiers,

cupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace for the said County where such Offence shall be Committed, shall for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, Ten Shillings, to be Levied in Manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to Make or Cause to be Made, Causeways, and to Cut and Make Drains, through any Grounds lying Contiguous to the said Road, and to Erect Arches of Brick, Timber or Stone thereupon, and also to Widen any of the narrow Parts of the said High-way or Road, by Opening, Clearing and Laying into the said High-way or Road, any Ground of any Person or Persons, lying Contiguous to such High way or Road not being Built upon, and not being a Garden, Orchard, Yard, Planted Walk, or Avenue to a House, and also, to Cause Ditches or Trenches to be made

made in such Places, and in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary, for the better Amending and Keeping the said High-Way or Road in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in or unto the said High-Way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be made for the Damages which he or they, shall or may thereby Sustain, as shall be Assessed and Judged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the major Part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in which such Ground lies, which shall be Laid into the said High-Way or Road, and through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Causeways Made, in Case of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courses, Ditch or Ditches, Adjoyning to the said High-way or Road, shall Neglect or Refuse to Scour or Cleanse such Water-Courses, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Conve-

nient, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanse and Make the same, and by Warrant in Writing under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And whereas the said High-way or Road leading from the said Town of Mullingar in the said County of Westmeath, over Ballinelack-Bridge, and through Edgeworthstown to the said Town of Longford, may be considerably Shortned, and made much more Convenient for Travellers, if the same was carried Straight and in a direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made use of in Carrying such Road Straight as aforesaid,

We

Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any fifteen or more of them, to Ascertain, Describe and set Apart, such part and Proportion of the Lands Adjoining or Contiguous to the said High-way or Road, or which otherwise lies most Convenient for Carrying on and Continuing the said High-way or Road Straight and in Direct Lines, as they the said Trustees, or any Fifteen or more of them, shall judge necessary for Carrying the same Straight and in a direct Line as aforesaid, so that no House or other Building be Removed or Altered thereby, and so that any part or Proportion of the Lands so to be Ascertained, Described and set Apart, be not Part of a Garden, Orchard, Yard, Planted-Walk or Avenue to an House, or of a Park or Paddock for Deer; And the said Trustees, or any Fifteen or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Interested in the said Ground to be made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Fifteen or more of them, shall think fit and reasonable; And in Case any Person or Persons shall neglect or refuse to Treat or Agree as a-

foꝛelaid, oꝛ thꝛough any Diſability by Nonage, Coverture, oꝛ Special Limitation in any Settlement oꝛ Settlements, oꝛ by Reaſon of any other Impediment cannot, oꝛ otherwiſe howſoever ſhall refuſe to Diſpoſe of their reſpective Intereſt in ſuch Land, as the ſaid Truſtees, oꝛ any Fifteen oꝛ moꝛe of them, ſhall think convenient, foꝛ the ſhoꝛtning the ſaid Road, in every ſuch Caſe, the ſaid Truſtees, oꝛ any Fifteen oꝛ moꝛe of them, are hereby Authoꝛized and Impoweꝛed to iſſue foꝛth their Warrant oꝛ Warrants, to the Sheriff oꝛ Sheriffs of the County wherein ſuch Gꝛound doth lye, to Impannel and Return befoꝛe the ſaid Truſtees, oꝛ any Fifteen oꝛ moꝛe of them, at ſuch Time and Place within the ſaid County, as ſhall be Appointed in ſuch Warrant oꝛ Warrants, a ſufficient Jury, who upon their Oaths, which ſaid Oaths, the ſaid Truſtees, oꝛ any Fifteen oꝛ moꝛe of them, are hereby Impoweꝛed and Requiꝛed to Adminiſter, ſhall Enquire into the True and Real Value of ſuch Gꝛound to be made Uſe of foꝛ the ſaid High-Way oꝛ Road, and ſuch Verdicts oꝛ Inquiſitions as ſhall be ſo Found and Returned by the ſaid Jury, Aſcertaining the Value of ſuch Gꝛound, ſhall be Final and Concluſive, as well to the ſaid Truſtees, as to the ſeveral and reſpective Owners and Pꝛopꝛietoꝛs of ſuch Gꝛound, notwithſtanding any Diſability oꝛ Incapacity whatſoever.

And

And forasmuch as the Money so to be Collected by such Receipt of the said Toll, will not be at Present Sufficient for the Speedy Repairing of the said High-Way or Road; Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Cost and Charges whereof to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money, by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Re-payment thereof, with the Lawful Interest, or less (if the same can be so had) which said Money Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Five or more of them, from Time to Time, During the Continuance of this present Act, to Make out Warrants or Orders in Writing under their Hands, Directed to the Treasurer or Receiver of

the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sum of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become Due, until such Time as the Principal Sum Mentioned in such Warrant or Order shall be paid off, and Discharged at One Intire Payment; Provided, that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any Greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Warrants or Orders shall be Given, his, her or their Executors or Administrators, may, by Indorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose, which the said Treasurer or Receiver shall, upon Request, without Charge, Fee or Reward, Make Accordingly, and shall, upon the like Request, permit to be Viewed at Reasonable Hours, without Fee or Reward, Shall Intitle the Indorsee or Assignee

ſignee, his or her Executors, Adminiſtrators or Aſſigns, to the Sole Benefit of the Sum ſo Transferred or Aſſigned; And that the ſaid Warrant or Order may, in like Manner, be Aſſigned or Transferred by ſuch Aſſignee, his or her Executors or Adminiſtrators, and ſo toties quoties; And that after ſuch Aſſignment, it ſhall not be in the Power of the Perſon or Perſons who Made ſuch Aſſignment, to Make Void, Releaſe or Diſcharge the ſaid Aſſignment, or the Sum thereby Transferred or Aſſigned, or any Part thereof.

And be it further Enacted by the Authority aforeſaid, That the Treaſurer or Receiver of the ſaid Tolls ſhall Arithmetically Number all the Warrants or Orders which ſhall be Given or Delivered out in Purſuance of this Act, as they ſhall be Delivered out, Commencing by Number One, and ſo Continuing the Numbers till the Whole be Arithmetically Numbred.

And be it further Enacted by the Authority aforeſaid, That the ſeveral Tolls and Duties hereby Made Payable, ſhall be Applied and Paid to the Diſcharge of the Intereſt of ſo much Money as ſhall be Borrowed in Purſuance of this Act, and towards Repairing the ſaid Road; And that all the Surplus of the ſaid Tolls and Duties hereby Made Payable, Over and Above what ſhall be Sufficient

to Discharge the said Interest, and Repair the said Road, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned (Viz.) That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said Treasurer or Receiver shall Cause the Number of all the Warrants or Orders, which shall be Issued and Delivered out in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and Put into a Box or Urn, and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or More of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Treasurer or Receiver Publickly Advertized in the Dublin-Gazette for that Purpose, at least Twenty Days before, at Longford in the County of Longford, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds, and the Person or Persons the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the

the ſaid Warrants or Orders ſhall be Drawn as aforeſaid, be Paid by the ſaid Treaſurer or Receiver the Principal Sums to him or them reſpectively Due, with the Intereſt for the ſame till Paid, and ſhall, upon Payment thereof, Deliver up his and their ſeveral and reſpective Warrants or Orders to the ſaid Treaſurer or Receiver to be Cancelled, which he is hereby Required to Cancel Accordingly; And the Intereſt Payable by Virtue of ſuch Warrants or Orders, ſhall Ceaſe from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the ſaid Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforeſaid, That every Perſon Chargeable by any Law now in being, towards the Repairing the ſaid High-Way or Road, ſhall Yearly, During the Continuance of this Act, Do and Perform Two Days of the Work, commonly Called, The Statute-Work, which is Appointed by the Laws now in being, for the Amending of the High-Ways in this Kingdom, in ſuch Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at ſuch Time as the Surveyor or Surveyors to be Appointed, by Virtue of this Act, ſhall, by Writing under his or their Hand or Hands, from Time to Time Order and Direct, and ſhall not be again Chargeable for the ſame, by any Surveyor or Surveyors of the reſpective Pariſhes,

on any Perſon whatſoever; And alſo, that the reſpective Surveyor or Surveyors for the Time being, of all and every Pariſh and Pariſhes, in which the ſaid High-Way and Road, Intended to be Repaired by this Act lie, ſhall Yearly and every Year, within Four Days after Requeſt made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, give a Liſt or an Account in Writing, under his or their Hands, of the Name or Names, of all and every Perſon and Perſons, in the ſaid reſpective Pariſh and Pariſhes, who are by the Laws now in Force, Chargeable towards the Repairing of the ſaid High-Ways, of the ſaid reſpective Pariſhes, and what he or they, is or are Chargeable with reſpectively, for and towards the ſame, to the Surveyor or Surveyors, Appointed or to be Appointed, by Virtue of this Act; And that the ſaid Surveyor or Surveyors of the ſaid Pariſhes, ſhall, within three Days next after Notice given by the ſaid Surveyor or Surveyors Appointed by this Act, of the Time when and how many of the ſaid Perſons ſo Chargeable as aforeſaid, he or they would have to do the ſaid Two Days Work, in and upon the ſaid Road to be Repaired by this Act, either Summon or Give Publick Notice thereof to the ſaid Perſon or Perſons ſo Chargeable as aforeſaid; And if any Surveyor or Surveyors of the ſaid Pariſhes reſpectively, ſhall Neglect or Refuſe

to

to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons, keeping a Team, Cart, Carr, or other Carriage, and Chargeable towards the Repairing the High-ways as aforesaid, shall Neglect or Refuse, to Do and Perform the said Two Days Work in the said High-way, by this Act Intended to be Repaired, after such Summons, or Publick Notice shall be given as aforesaid, he or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days, such Person or Persons keeping a Team, Cart, Carr or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards Repairing the said High-ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice given as aforesaid, to Do and Perform the said Two Days Work in the said High-way, by this Act Intended to be Repaired, he or they shall respectively Forfeit and pay the Sum of One Shilling, for Each of the said Two Days such Labourer, or other Person or Persons, shall make Default: All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distrels and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals

of the said Trustees, or any Five or more of them, upon the Information of One or More Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or More of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before Mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so Distrained, the Charges of such Distrels and Sale being First Deducted, shall Go to, and be Applied for, and towards Amending the said High-way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act is to Go, and be Applied.

Provided always, That in Case there shall be more than One Gate or Turnpike in, cross, or on the Side of the said High-way or Road between the said Town of Mullingar in the County of Westmeath, and the said Town of Longford, no Person or Persons having Paid the Toll or Duty at the First Gate or Turnpike through which such Person or Persons shall pass, and Producing a Note or Ticket, that the said Toll or Duty was Paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis,) shall be Liable to pay any Toll or Duty at any other of the said Gates or Turn-

Turn-pikes upon the said High-way or Road, such person or persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no person or persons, having Occasion to pass the place or places where the Toll or Duty is Taken, who shall Return the same Day, upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to pay the said Toll or Duty more than Once on the said Road.

And for the Preventing Frauds and Abuses in the said Toll or Duty,

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act Granted and Made Payable, and having such Note or Ticket, Notes or Tickets, as is hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Witness or Witnesses, before the said Trustees, or any Five or More

of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, and the said Justice or Justices are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of, by this Act.

Provided allways, and be it hereby Declared and Enacted by the Authority aforesaid, That during the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall Pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire to Serve in Parliament for the said Counties of Westmeath and Longford, or for any Burgess to Serve in Parliament for any Borough in the said Counties respectively; Any thing herein Contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think fit, to Compound or Agree by the the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected, with

with any Milch-Cows, Horſe, Mare or Gelding, Aſs or Mule, or with any Coach, Berlin, Calaſh, Chaiſe, Chair, Waggon, Cart, Carr, or any other Carriage, for any Sum or Sums of Money to be paid Quarterly, from Time to Time after ſuch Agreement ſhall be made.

Provided alſo, and be it hereby Declared, and Enacted by the Authority aforeſaid, That no Perſon ſhall be Charged with any of the Tolls and Duties aforeſaid, who ſhall paſs through any of the Turnpikes to be Erected by this Act, who ſhall carry any Quantity of Kilkenny Coals, or of Stones, Gravel or other Materials, for Repairing the ſaid Road, or any of the Roads in the Pariſhes in which the ſame do lye, or in any of the Neighbouring Pariſhes; Nor ſhall any Perſon or Perſons be Chargeable with the ſaid Toll or Duty for any Carts, Carrs or Waggons, Loaded with Corn in the Straw only, nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the Uſing or Repairing the ſame in the ſeveral Pariſhes in which the ſaid High-Ways or Roads hereby Intended to be Repaired do lye; Nor ſhall any Toll or Duty be Demanded or Taken at any of the Turn-pike or Turn-pikes to be Erected for any Horſe, Mare, Gelding, Aſs or Mule, or other Cattle going to Water, or for any Poſt-horſe carrying the Mail or Packet, or

for such Horse as is or shall be Used only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse pass through the said Turn-pike or Turn-pikes with such Waggon, Cart or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers passing that are upon their March, or for Waggons, Carts, Carrs or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs or other Carriages, Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance from and after the Twenty Fifth Day of March, One thousand seven hundred and thirty six, for and during the Term of Forty One Years.

Provided nevertheless, And be it further Enacted by the Authority aforesaid, That if, at any Time before the Expiration of the said Term of Forty One Years, the said Trustees, or any Fifteen or More of them, shall Make an Adjudication under their Hands and Seals, that all Parts of the said Road from Mullingar to Longford, are Sufficiently Repaired and Amended, That, from and after such Adjudication Made, and after Re-

Re-payment of ſuch Money as ſhall have been Advanced or Borrowed on the ſaid Security, with the Intereſt of the ſame, and the Coſts and Charges thereof, Then, and in ſuch Caſe, it ſhall and may be Lawful to and for the ſaid Truſtees, or any Fifteen or More of them, to Erect, or Cauſe to be Erected, One or More Gate or Gates, Turn-pike or Turn-pikes, on the High-Way or Road Leading from the ſaid Town of Longford to Roosky-Bridge in the County of Longford, or croſs any Lane or Way Leading out of the ſaid Road; And alſo, to Erect, or Cauſe to be Erected, One or More Toll-houſe or Toll-houſes, and there to Receive and Take ſuch Toll as is Appointed by this Act to be Taken, ſo as the ſame do not Extend to a Double Charge, in Caſe of Paſſing the ſame Day through the ſame, or any other Turn-pikes to be Erected between the ſaid Town of Mullingar and the ſaid Town of Longford, by Virtue of this Act.

And be it further Enacted by the Authority aforeſaid, That in Caſe of ſuch Adjudication Made, that the ſaid Road from Mullingar to Longford is Sufficiently Repaired and Amended, and after Payment of ſuch Money as ſhall be Advanced on the ſaid Security, with Intereſt for the ſame, and the Coſts and Charges thereof, then, and not otherwiſe, it ſhall and may be lawful to and

for the said Trustees, or any Seven or more of them, during the said Term of Forty One Years hereby Granted, to lay out as much of the Money Arising by the Toll hereby Granted, or of the Money Raised, or to be Raised on the Credit thereof as they shall think necessary in Repairing the said Road, leading from the said Town of Longford to Roosky-Bridge aforesaid, and that the said Trustees, or any Seven or more of them, shall in such Case be for that Purpose Invested with all such Powers and Authorities for Making, Shortning Repairing and Amending the said Road, from the said Town of Longford to Roosky-Bridge, as are Contained in this Act, with respect to the said Road from the Town of Mullingar to the said Town of Longford, and that the said Road leading from the said Town of Longford to Roosky-Bridge, shall be under such Directions and Regulations as are mentioned in this Act, with respect to the said Road between Mullingar and Longford, in the same Manner as if the same were herein again Repeated; Any thing herein before contained to the Contrary notwithstanding.

Provided nevertheless, that if at any Time before the Expiration of the said Term of Forty One Years, all parts of the said Road shall be sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed or here-

hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Repayment of such Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof, the said Tolls and Duties shall Cease and Determine; Any thing herein contained to the contrary notwithstanding,

And be it further Enacted by the Authority aforesaid, That the said Road or Roads, shall be Repaired from the said Town of Mullingar in the County of Westmeath, over Ballynelack-Bridge in the said County, and through the Town of Edgworthstown in the County of Longford, and from thence to the Town of Longford in the County of Longford aforesaid.

And be it further Enacted by the Authority aforesaid, That for the Continuing a sufficient Number of able Persons to be Trustees for putting in Execution, all and every the Powers in this Act contained, for and during the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or refusing to Act in the said Trust, from Time to Time, and at all Times hereafter during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act,

another Fit and Able Perſon, or ſo many more Fit and Able Perſons, living in the ſaid Counties of Weſtmeath and Longford, to be joined with the ſaid Truſtees in the Execution of all and every the Power and Powers in them Repoſed by Virtue of this Act, and all and every Perſon or Perſons ſo to be Choſen Truſtee or Truſtees to join in putting this Act in Execution, as they are herein before Qualified to do, ſhall and may, and are hereby Impowered to act, to all Intents and Purpoſes, in as Full, Large and Ample Manner, as the ſaid Truſtees are by this Act Impowered to do; And ſo Toties Quoties, as often as Occaſion ſhall Require.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall Meet at Longford in the County of Longford, on the Firſt Tueſday, in the Month of April next, And the ſaid Truſtees, ſhall then Adjourn themſelves, and afterwards Meet there, or at any other Place or Places near the ſaid High-way or Road to be Repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, Proper and Convenient, as often as it ſhall be Neceſſary, for putting this Act in Execution; And if it ſhall Happen, that there ſhall not Appear, at any Meeting that ſhall be Appointed to be had or held by the ſaid Truſtees, a Sufficient Number of Truſtees to

to Act at such Meeting, and to Adjourn to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the House where the Meeting of the said Trustees was last Appointed to be Had, or at some other Convenient House near the said Road, on that Day Fortnight upon which such last Meeting of the said Trustees was Appointed to have been Held, and that the said Trustees at their First Meeting, and at all other Subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, And be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for Putting this Act in Execution, shall Have or Accept of any Place of Profit Arising out of, or by Reason of the Toll or Duty by this Act Laid or Granted; But such Person or Persons shall be Incapable, from the Time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That no such Trustee or Trustees shall in his or their own Name, or in the Name or Names of any other Person or Persons, Undertake

or Contract for the Repair of the said Road, or any Part thereof, whereby any Profit may Arise to him or them, but that from such Time, he or they shall Cease to be a Trustee or Trustees, and that any Person or Persons that shall Undertake or Contract for the Repairing or Amending the said Road, or any Part of them, shall if Required Take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same for his or their own Use, and not for the Use of, or in Trust for any Trustee or Trustees whatsoever, Authorized by this Act.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, that in every such Case the Action shall be Laid in the said Counties of Westmeath or Longford, and not Elsewhere; And the Defendant or Defendants in such Action or Actions to be Brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be had thereupon, and that the same was Done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be Done, or such Action or Actions shall be Brought in any other County, that then the Jury shall Find

for

for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-suited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if, on any Demurrer, Judgement shall be Given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and Have the like Remedy for the same, as any Defendant or Defendants Hath or Have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without Specially Pleading the same.

AN

ACT

For REPAIRING the

ROAD

LEADING

From the Town of *Maryborough* in the *Queen's County*, through the Towns of *Mountrath*, *Caſtletown*, and *Borris* in *Oſſory*, in the ſame County; And from thence, through the Town of *Roſcrea*, to the Town of *Tomivarah* in the County of *Tipperary*.

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DUBLIN:

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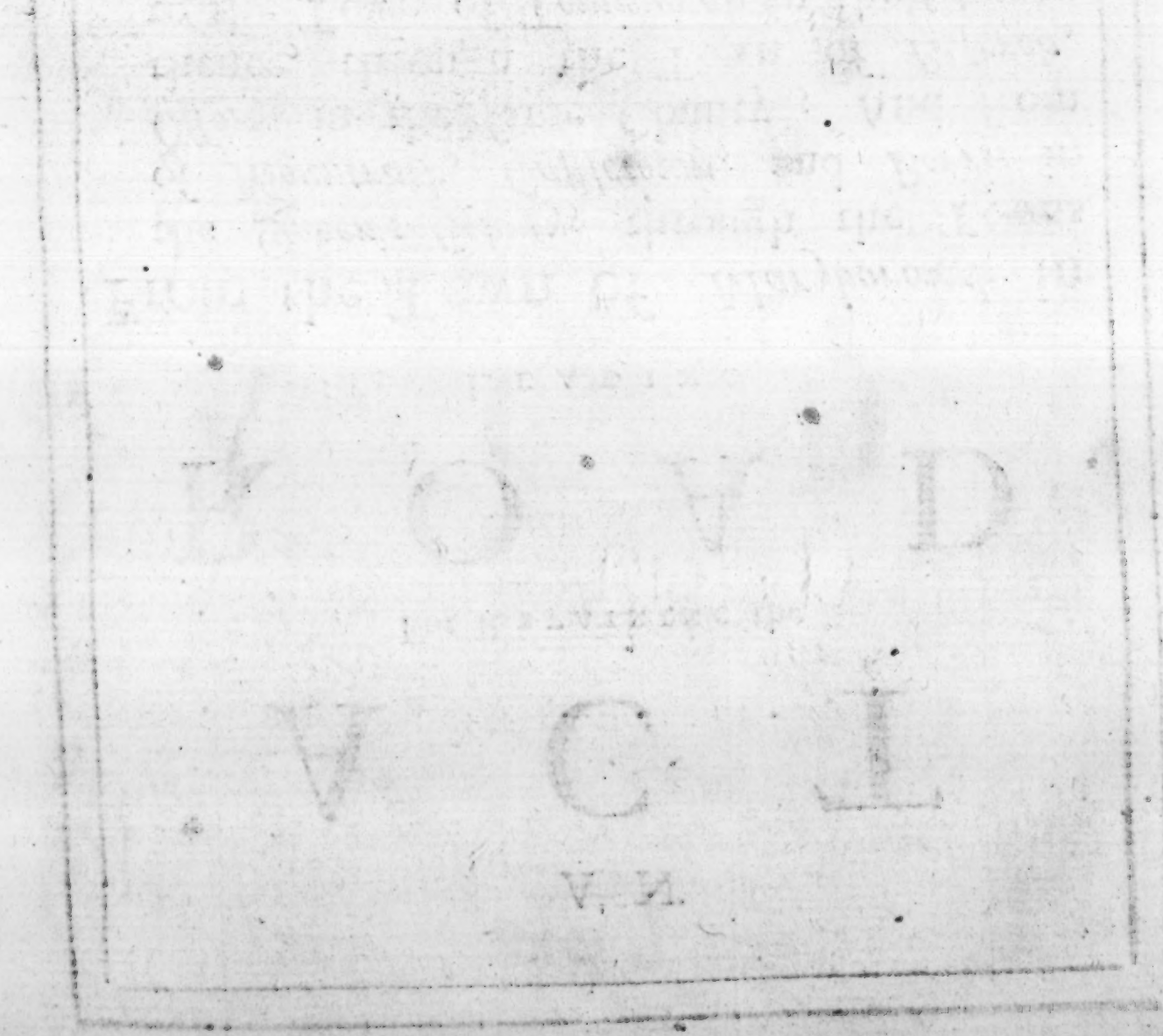

A N

A C T

F O R

Repairing the Road Leading from the Town of *Maryborough* in the *Queen's County*, through the Towns of *Mountrath*, *Caſtletown*, and *Borris* in *Oſſory*, in the ſame County ; And from thence, through the Town of *Roſcrea*, to the Town of *Tomivarah* in the County of *Tipperary*.

CHAP. XXII.

WHEREAS the High-Way or Road Leading from the Town of Maryborough in the Queen's County, through the Town of Mountrath, Caſtletown, and Borris in Oſſory, in the ſame County, and from thence, through the Town of Roſcrea, to the Town of Tomivarah in the County of Tipperary, by Reaſon of the

several Hollow Ways, and of the Many and Heavy Carriages frequently Passing through the same, is Become so Ruinous and Bad, that, in Winter-Season, many Parts thereof are Impassable for Waggons, Carts, Carts and Carriages, and very Dangerous for Travellers, and Cannot, by the Ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended, and Kept in Good and Sufficient Repair:

Wherefore, and to the Intent, that the said High-Way and Road may, with Convenient Speed, be Effectually Amended, and hereafter Kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way and Road, the Right Honourable Algernoon Earl of Mountrath, the Right Honourable Richard Earl of Cavan, the Right Honourable William Lord Baron of Castle-Durrow, the Right Honourable Henry Boyle Esquire, Speaker of the Honourable House of Commons in Ireland, the Right Honourable Sir Thomas Prendergast Baronet, the Honourable Hayes St. Leger Esquire,

the

the Honourable Eyre Evans Esquire, Sir John Denny Vesey Baronet, Ephraim Dawson, Richard Warburton of Garryhinch, George Mathews, Joseph Damer, Warner Westenra, William Wall, Richard Pennefather, Richard Buckworth, John Barrington, Richard Warburton Senior, Robert Marshall, William Henry Dawson, Mathew Jacob, John Cleer, Arthur Blennerhasset, John Waller, Henry Usher, Esquires, Colonel Henry Prittie, Bartholomew William Gilbert, Henry Prittie Junior, William Peasy Vaughan, Esquires, Major John Harrison, the Burgo-master of Maryborough for the Time being, Paul Minchin, William Vaughan Junior, Richard Despard, John Damer, Walter Stephens, Humphry Minchin, Periam Poole, John Kent, William Carden, John Carden, William Despard, Pigot Sandes, John Despard, Godfrey Wills, Robert Holmes, Thomas Tennison, Thomas Fitzgerald, George Piggot, Edward Brereton, Robert Finn, William Finn, Esquires; Colonel John Murray, William French, Joseph Cuff, John Short, Howard Egan, John Morton, John Piggot, Morgan O'Mara, Esquires, the Reverend Benjamin Hawkshaw, the Reverend Henry Alley, the Reverend John Burton, the Reverend Peter Alley, the Reverend William Usher, the Reverend Hugh Dawson, the Reverend Peter Wybrants, the Reverend William Dawson, the Reverend Robert Curtis, the Reverend John Orr, the Reverend Oliver Grace, the Reverend James Higgins, Clerks, Nathaniel Mitchell, Stephen Allen,

Robert Andrews, Daniel Toler, John Friend, James Franks, Henry Lewis, Edward Minchin, Charles Minchin of Green-hills, William Pole, John Piggot of Ballynouty, Eſquires, Thomas Piggot, Richard Prior, Manſell Andrews, William Carroll, Thomas Adair, William Brereton, Anthony Carroll, Joſeph Chamberlain, Thomas Dalton, Thomas Cantrell, Caleb Chanders, Peter Dalton, Timothy Dalton, John Doxey, Henry Fiſher, Richard Hawkſhaw, Bigoe Hindſey, William Gray, James Fiſher, George Jackſon, James Johnſton, John Kelly, Pierce Moore, Charles Minchin of Glanakilty, Loftus Otway, Dennis Newland, John Stuart, John Denny Starkey, William Minchin, Francis Pierce, Ephraim Stuart, William Scott, John Toler, Charles Toler, Richard Viccars Senior, Richard Viccars Junior, John Lewis, Bartholomew Senior, Joſeph Senior, Thomas Poe, Peter Peaſely, John Ralph, Benjamin Friend, Francis Clarke, Robert Viccars, Henry Weſtenra, William Wilcocks, John Wheatley, Amos Carr, Francis Knight, Sidney Hetherington Gentlemen, William King Merchant, Joſeph Shardelow Merchant, James Hutchinſon, James Morton, Vere Ward, Edmond Ryan, Richard Higgiſon, Joſhua Pimm, Thomas Pimm, John Harris, Robert Flood, Jonathan Baldwin, Henry Palmer, Thomas Conway, David Camblin, William Morris, Edward Gilborne, William Poe, Purifoy Poe, Robert Gowen, Philips Gowen, John Hodgers, Gentlemen, James Dawſon and John Dawſon, Eſquires, John Warburton of Garryhinch,

hinch, **Eſquire, the Reverend** Thomas Carr, **the Reverend** Peter Warburton, Seywel Stubbers, Robert White, Amos Palmer, John Willington, Jonathan Willington, Richard Harris, Thomas Crump, James Nuttall, George Clarke, Carden Bennett, James Willington, Henry Summers, Thomas Croaſdaill, Simon Sands, John Jones, George Moreton, **Gentlemen, and** Edward Elſemere **Collector, and the Survivors of them, ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Seven or more of them, or ſuch Perſon or Perſons, as they, or any Seven or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turnpike or Turn-pikes, in, upon, or croſs any Part or Parts of the ſaid High-Way and Road; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, Before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr, or other Carriages, ſhall be Permitted to Paſs through the ſame** (Viz.) **For every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by any Leſſer Number of Horſes, Geldings or Mares than Six and more than Two, One Shil-**

ling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn with Two Horses, Geldings or Mares, Eight Pence; For every Waggon, Wain, Cart, Carr or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings or Oxen, the Sum of Five Shillings; For every Cart or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage Commonly Called a Chaise or Chair, with one Horse, Mare or Gelding, the Sum of Four Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, Except Carts, Carrs and Carriages Loaden only with Hay, Straw, Turf, Dung, Earth, or other Manure for Land; For every other Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Five Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said Respective Sum and Sums of Money, shall be Demanded and Taken in the Name of, or as a Toll or Duty,

Duty, and the Money ſo to be Raiſed as aforeſaid, is and ſhall hereby be Veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be Paid, Applied, and Diſpoſed of and be Aſſigned to and for the ſeveral Uſes, Intents and Purpoſes, and in ſuch Manner, as is hereinafter Mentioned and Directed; And the ſaid Truſtees, or any Seven or more of them, are hereby Impowered by themſelves, or any Perſon or Perſons by them, or any Seven or more of them, under their Hands and Seals thereunto Authorized to Levy the Toll or Duty hereby Required to be Paid, upon any Perſon or Perſons, who ſhall, after Demand made thereof, Neglect or Refuſe to Pay the ſame, by Diſtreſs of any Horſe, or other Cattle or Goods, upon which any ſuch Toll or Duty is by this Act Impoſed, or upon any of the Goods or Chattels of ſuch Perſon or Perſons, who ought to Pay the ſame, and may Detain and Keep the ſame, until ſuch Toll or Duty, with the Reaſonable Charges of ſuch Diſtraining and Keeping, ſhall be Paid; And it ſhall and may be Lawful to and for the Perſon or Perſons ſo Diſtraining, after the Space of Five Days after ſuch Diſtreſs Made and Taken, to Sell the Goods Diſtrained, Returning the Overplus (if any be) upon Demand to the Owner, after ſuch Toll, Duty and Reaſonable Charges for Di-

ſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money, Ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Seven or more of them, ſhall Firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, and Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected and Set up on the Road, Leading from the Town of Maryborough in the Queen's County, through the Towns of Mountrath, Caſtletown, and Borris in Oſſory, in the ſame County, and from thence, through the Town of Roſcrea, to the Town of Tomivarah in the County of Tipperary, ſhall be Applied for and towards the Repair of the ſaid Road only, and not elſewhere.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, Owning, Renting or Occupying any Land, near unto any Turnpike that is to be Erected in Purſuance of this Act, ſhall for Gain, Reward or otherwiſe, Permit any Perſon or Perſons whatſoever to Paſs through any Gate, Paſſage

ſage or Way, with any Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horſe, Aſs, Mule or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and ſhall be thereof Convicted, upon Oath of One or more Credible Witneſs or Witneſſes, before the ſaid Truſtees, or any Seven or more of them, or before One or more Juſtice or Juſtices of the Peace, for the County wherein ſuch Offence or Offences ſhall be Committed, who are hereby Impowered and Required to Adminiſter ſuch Oath, ſuch Perſon or Perſons ſhall Forfeit and Pay to the Truſtees, Appointed to Put this Act in Execution, the Sum of Ten Shillings, to be Levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the ſaid Truſtees, or any Seven or more of them, or ſuch Juſtice or Juſtices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Diſpoſing of the ſaid Goods being firſt Deducted.

And be it Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, be Impowered to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the ſaid High-Way or Road, croſs any Way or Lane, leading out of the ſaid Road, and to Build a Toll-houſe or

Toll-houſes, and there to Receive and Take ſuch Toll as is Appointed by this Act to be Taken, ſo as the ſame do not Extend to a Double Charge in caſe of paſſing the ſame Day through any o-ther of the ſaid Turn-pikes to be Erect-ed by Virtue of this Act, from the Road leading from the Town of Maryborough in the Queen's County, through the Towns of Mountrath, Caſtletown, and Borris in Oſ-ſory, in the ſame County, and from thence, through the Town of Roſcrea, to the Town of Tomivarah in the County of Tipperary.

Provided allways, And be it Enacted by the Authority aforeſaid, That no Gate or Turn-pike ſo to be Put up or Erect-ed, ſhall be Put up or Erected at any Place nearer than Half of a Mile to the ſaid Town of Maryborough.

And be it Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at the firſt Meeting, or any ſucceeding Meeting, by Writing under their Hands and Seals, ſhall and may Elect, Nominate and Ap-point, one or more fit Perſon or Perſons to be Receiver or Receivers, Collector or Col-lectors, of ſuch Money, in the Name of ſuch Toll or Duty as ſhall be Due and Payable by Virtue of this Act, and al-ſo, one or more fit Perſon or Perſons to be Surveyor or Surveyors, to ſee the Condition of the ſaid High-Way or Road, and to take Care that the ſame be A-

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mended and Repaired, and that the Money Ariſing and Expended by Virtue of this Act, be duly Applied, and ſhall and may from time to time Remove ſuch Collectors, Receivers and Surveyors, or any or either of them, as they ſhall ſee Occaſion, and Appoint new ones in Caſe of Death or of ſuch Removal; And all ſuch Perſon or Perſons as is or are by this Act liable to Pay the ſaid Toll or Duty is and are hereby required to Pay the ſame, after the Rates aforeſaid, to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty in that Behalf, from Time to Time Appointed as aforeſaid, for the Receiving the ſaid Toll or Duty; And ſuch Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, as aforeſaid, ſhall upon Oath (if thereto required) before the ſaid Truſtees, or any Seven or more of them, or before one or more Juſtice or Juſtices of the Peace Reſiding near the ſaid High-Way or Road aforeſaid, which Oath, ſuch Truſtees, or any Seven or more of them, or ſuch Juſtice or Juſtices of the Peace is, and are hereby Impowered and Required to Adminiſter, on the Firſt Tueſday in every Month, or oftner if required, during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing, under their reſpective Hands, of all Monies which he and they, and every or any of them, ſhall

to such Time have Received, Paid and Disbursed by Virtue of this Act, by reason of their respective Offices, for which Oath no Fee or Reward shall be taken; And in Case any Money so Received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as the said Trustees, or any Seven or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Way or Road, According to the True Intent and Meaning of this Act, and not Otherwise; And the said Trustees, or any Seven or More of them, to whom such Account shall be Given, shall and may, Out of the Money Arising by the said Toll or Duty, Make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his or their Care and Pains respectively Taken in the Execution of his and their Office and Offices, and to such other Person or Persons who have been or shall be Assisting in and about Procuring the said High-Way or Road to be Amended and Repaired, by advancing or laying out any Money or otherwise relating thereunto as to them shall seem Good, so as such Allowance or Allowances to

ſuch Collector or Collectors do not Annually Exceed Twenty Pounds, and to ſuch Surveyor or Surveyors any Sum not Exceeding Two Shillings a Day, During ſuch Time or Times as he or they ſhall be reſpectively Employed in the Repair of the ſaid Road, and ſo as ſuch Allowance or Allowances to any other Perſon or Perſons, who ſhall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Perſon; And in Caſe the ſaid Receiver or Receivers, Collector or Collectors of the aforeſaid Toll or Duty, Surveyor or Surveyors, or any of them, ſhall not Make ſuch Account and Payment unto ſuch Perſon or Perſons, According to the Orders and Directions of the ſaid Truſtees, or any Seven or More of them as aforeſaid, That then the ſaid Juſtices of the Peace, at any Special Seſſions or Meeting of them, to be holden for the County in which the ſaid Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted, or been Employed, and Made ſuch Default as aforeſaid, ſhall, and are hereby Required and Impowered to Make Inquiry, and Finally to Determine of, and Concerning ſuch Default, as well by the Confeſſion of the ſaid Parties themſelves, as by the Teſtimony of One or More Credible Witneſs or Witneſſes upon Oath, which Oath they are hereby Im-

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powered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County where such Offence shall be Committed, there to Remain without Bail or Mainprize, until he or they shall have Made a True and Perfect Account, and Payment as aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall Appoint, to Dig, Raise, Gather, Take and Carry away any Gravel, Furze, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village or Hamlet in or near which any Founderous or Ruinous Places of the said High-Way or Road do Lie, and for Want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Raise, Take and Carry away the same out of the Waste or Common of any Neighbouring Parish, Town, Village or Hamlet, without Paying any Thing for the same; And where there is not Sufficient of such Materials in any Common or Waste Grounds near Adjoining, it shall and may be Lawful for them, by Order of the said Trustees, or any Seven or

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More of them, to Dig, Raiſe and Gather the ſame, in the ſeveral Grounds of any Perſon or Perſons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a Houſe, where any ſuch Materials are or may be Found, and from Time to Time to Carry away ſuch and ſo much thereof, as the ſaid Surveyor or Surveyors in their reſpective Places, ſhall Adjudge Neceſſary for the Amending and Repairing the ſaid High-Way and Road, Paying ſuch Rates for ſuch Materials to the Owner or Occupier of the Ground from whence the ſame ſhall be Digged, Raiſed, Gathered and Carried away, as the Truſtees Appointed, or to be Appointed to Put this Act in Execution, ſhall Adjudge Reaſonable: And in Caſe of any Difference between ſuch Owner or Occupier and the ſaid Truſtees, Touching the Damages aforeſaid, the Judges of Aſſize at the next General Aſſizes and General Goal-Delivery, to be Holden in the Country where ſuch Materials ſhall be Digged, Raiſed, Gathered, and from whence the ſame ſhall be Carried away, may and ſhall Adjudge, Aſſeſs, and Finally Determine the ſame.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the Surveyor or Surveyors, and ſuch Perſon and Perſons, as he and they ſhall Appoint from Time

to Time, to Remove and Prevent Annoyances on any Part of the said Highway or Road hereby Intended to be Repaired by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-Way or Road, and to Cleanse any Ditch or Water-Courses Adjoining to the said Road, and to Cut down, Lop or Top any Trees or Bushes, Growing on the said Highway, or in the Hedges or Banks Adjacent to the said High-way, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days after Notice in Writing, Given for that Purpose, under the Hands of Seven of the said Trustees, the Chatges whereof shall be Reimbursed, the said Surveyor or Surveyors by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every Person or Persons so Offending, and being thereof Convicted, upon the Oath of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace for the said County where such Offence shall be Committed, shall for every such Offence, Forfeit and pay unto the said Trustees where such

Offence

Offence ſhall be Committed, Ten Shillings, to be Levied in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any ſeven or more of them, to Make or Cauſe to be Made, Cauſeways, and to Cut and Make Drains, through any Grounds lying Contiguous to the ſaid Road, and to Erect Arches of Brick, Timber or Stone thereupon, and alſo to Widen any of the narrow Parts of the ſaid High-way or Road, by Opening, Clearing and Laying into the ſaid High-way or Road, any Grounds of any Perſon or Perſons, lying Contiguous to ſuch High way or Road not being Built upon, and not being a Garden, Orchard, Yard, planted Walk, or Avenue to a Houſe, and alſo, to Cauſe Ditches or Trenches to be made in ſuch Places, and in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any ſeven or more of them, ſhall Adjudge Neceſſary, for the better Amending and Keeping the ſaid High-way or Road in good Repair, making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Ground, which ſhall be ſo Laid in or unto the ſaid High-way or Road, or through which any ſuch Drain or Drains ſhall be Cut, or on which any ſuch Arch or Arches ſhall be made for the Damages which he or they,

ſhall or may thereby Suſtain, as ſhall be Aſſeſſed and Adjudged by the next going Judge or Judges of Aſſize, or by the Juſtices of the Peace, or the major part of them, at the next General Aſſizes or Quarter-Seſſions to be holden for the County in which ſuch Ground lies, which ſhall be Laid into the ſaid High-way or Road, or through which any ſuch Drain or Drains, Ditch or Ditches ſhall be Cut or Made, or on which ſuch Arch or Arches ſhall be Erected or Made, or ſuch Cauſe-ways Made, in Caſe of any Difference Concerning the ſame; And if any Owner or Occupier of any Water-Courſes, Ditch or Ditches, Adjoyning to the ſaid High-way or Road, ſhall Neglect or Refuſe to Scour or Cleanſe ſuch Water-Courſes, and to make ſuch Ditches ſo Deep, and in ſuch Manner, as the Surveyor or Surveyors ſhall Adjudge Proper and Convenient, after Eight Days Notice ſhall be given for that Purpoſe, by ſuch Surveyor or Surveyors, or ſuch Perſon or Perſons as ſhall be Appointed by him or them, to ſuch Owner or Owners, it ſhall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanſe and Make the ſame, and by Warrant in Writing under the Hands and Seals of any Seven or more of the ſaid Truſtees, to Levy the Charge thereof upon the Goods or Eſtates of the

Owner

Owner or Owners, Occupier or Occupiers of such Water-Course, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges Paid. And whereas the said High-way or Road leading from the said Town of Maryborough to the Town of Tomivarah, may be considerably Shortned, and made much more Convenient for Travellers, if the same was carried Straight and in a direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made use of in Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to Ascertain, Describe and set Apart, such Part and Proportion of the Lands Adjoining or Contiguous to the said High-way or Road, as they the said Trustees, or any Seven or more of them, shall judge necessary for Carrying the same Straight and in a direct Line, provided that no Part of the said Lands so to be set Apart, be Built on, and that the same be not Part of any Garden, Orchard, Yard, Planted-Walk or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or

any Seven or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and others Interested in the said Ground to be made Use of in Carrying the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Seven or more of them, shall think fit and reasonable; And in Case any Person or Persons shall neglect or refuse to Treat or Agree as aforesaid, or through any Disability by Nonage, Coverture, or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever shall refuse to Dispose of their respective Interest in such Land, as the said Trustees, or any Seven or more of them, shall think convenient, for the shortning the said Road, in every such Case, the said Trustees, or any Seven or more of them, are hereby Authorized and Impowered to issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County wherein such Ground doth lye, to Impannel and Return before the said Trustees, or any Seven or more of them, at such Time and Place within the said County, as shall be Appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths, which said Oaths, the said Trustees, or any Seven or more of them,

them, are hereby Impowered and Requir-ed to Administer, shall Enquire into the True and Real Value of such Ground to be made Use of for the said High-Way or Road, and such Verdicts and Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money so to be Collected by such Receipt of the said Toll, will not at Present be Sufficient for the Speedy Repairing the said High-Ways and Roads; Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof, the Costs and Charges whereof to be Born and Paid out of such Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money, by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance or Lend the same, for the Re-payment thereof, with Lawful Interest, or less if the same can be so had,

which said Money, so Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and Disposed of, and to no other Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Fifteen or more of them, from Time to Time, During the Continuance of this present Act, to Make out Warrants or Orders in Writing under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sums of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become Due, until such Time as the Principal Sum Mentioned in such Warrant or Order shall be Paid off, and Discharged at One Intire Payment; Provided, that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any Greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Warrant or Order shall be Given, his, her or their Executors or Administrators, may, by Indorsement on such Orders or Receipts,

ceipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose, which the said Treasurer or Receiver shall, upon Request, without Charge, Fee or Reward, Make Accordingly, and shall, on the like Request, permit to be Viewed at Reasonable Hours, without Fee or Reward, Shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; And that the said Warrant or Order may, in like Manner, be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons who Made such Assignment, to Make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out in Pursuance of this Act, as they shall be Delivered out, Commencing by

Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbred.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby Made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Road; And that all the Surplus of the said Tolls and Duties hereby Made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Road, shall be Applied in Discharge of the Principal Sum so Borrowed, in the Manner hereinafter Mentioned (Viz.) That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, That then the said Treasurer or Receiver shall Cause the Number of all the Warrants or Orders, which shall be Issued and Delivered out in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and Put into a Box or Urn, and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Seven or More of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be Ap-

Appointed by the said Trustees or Receiver Publickly Advertized in the Dublin-Gazette for that Purpose, at least Twenty Days before, at the Town of Maryborough, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds, and the Person or Persons the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders to the said Treasurer to be Cancelled, which he is hereby Required to Cancel Accordingly; And the Interest Payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in being, towards Repairing the said High-Way or Road, shall Yearly, During the Continuance of this Act, Do and Perform Two Days of

that Work, commonly Called, The Statute-Work, which is Appointed by the Laws now in being, for the Amending of the High-Ways in this Kingdom, in such Manner, Place and Places, being Part of the High-Way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed, by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, on any Person whatsoever; And also, that the respective Surveyor or Surveyors for the Time being, of all and every Parish and Parishes, in which the said High-Way and Road, Intended to be Repaired by this Act lie, shall Yearly and every Year, within Four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, give a List or an Account in Writing, under his or their Hands, of all and every Person and Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards the Repairing the High-Ways, of the said respective Parishes, and what he or they, is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors, Appointed or to be Appointed, by Virtue of this Act; And that the Surveyor or Surveyors of the said Parishes,

Parishes, shall, within three Days next after Notice given by the said Surveyor or Surveyors Appointed by this Act, of the Time when and how many of the Persons so Chargeable as aforesaid, he or they would have to do the said Two Days Work, in and upon the said Road to be Repaired by this Act, either Summon or Give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons, keeping a Team, Cart, Carr, or other Carriage, and Chargeable towards the Repairing of High-Ways as aforesaid, shall Neglect or Refuse, to Do and Perform the said Two Days Work in the said High-Way, by this Act Intended to be Repaired, after such Summons, or Publick Notice shall be given as aforesaid, he or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the Two Days, such Person or Persons keeping a Team, Cart, Carr or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards the Repairing the High-Ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice given as aforesaid, to Do and Perform the

said Two Days Work in the said High-way, by this Act Intended to be Repaired, he or they shall respectively Forfeit and pay the Sum of One Shilling, for Each of the Two Days such Labourer, or other Person or Persons, shall make Default: All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods or Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Seven or more of them, upon the Information of One or More Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Seven or More of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before Mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained, the Charge of such Distress and Sale being First Deducted, shall Go to, and be Applied for, and towards Amending the said High-way Intended by this Act to be Repaired, in like Manner as the Toll Imposed by this Act is to Go, and be Applied.

Provided allways, That in Case there shall be more than One Gate or Turnpike in, cross, or on the Side of the said High-way or Road between the said Town of

of Maryborough in the Queen's County, through the Towns of Mountrath, Caſtletown, and Borris in Oſſory, in the ſame County, and from thence, through the Town of Roſcrea, to the Town of Tomivarah in the County of Tipperary, no Perſon or Perſons having Paid the Toll or Duty at the Firſt Gate or Turnpike through which ſuch Perſon or Perſons ſhall Paſs, and Producing a Note or Ticket, that the ſaid Toll or Duty was Paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis,) ſhall be Liable to pay any Toll or Duty at any other of the ſaid Gates or Turn-pikes upon the ſaid High-Way or Road, ſuch Perſon or Perſons Delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors of the ſaid Toll or Duty, at the Latter Gate or Turn-pike, the ſame Day; And no Perſon or Perſons, having Occaſion to paſs the Place or Places where the Toll or Duty is Taken, who ſhall Return the ſame Day, upon or with the ſame Horſe, Mare, Gelding, Aſs, Mule, Cattle, Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, Waggon, Cart, Carr, or other Carriage, ſhall be Liable or Compellable, the ſame Day, to Pay the ſaid Toll or Duty more than Once on the ſame Road.

And for the Preventing Frauds and Abuſes in the ſaid Toll or Duty,

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, having paid the Toll or Duty by this Act Granted and Made Payable, and having ſuch Note or Ticket, Notes or Tickets, as are hereby Required, ſhall Give or Diſpoſe of the ſame to any other Perſon or Perſons, in Order to Avoid the Payment of the Juſt Toll or Duty, Every ſuch Perſon Giving, Diſpoſing or Offering, and the Perſon Receiving ſuch Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Credible Witneſs or Witneſſes, before the ſaid Truſtees, or any Seven or More of them, or before any One or More Juſtice or Juſtices of the Peace for the County wherein ſuch Offence or Offences ſhall be Committed (which Oath the ſaid Truſtees, or the ſaid Juſtice or Juſtices are hereby Impowered to Adminiſter) ſhall reſpectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Diſpoſed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Diſpoſed of, by this Act.

Provided allways, and it is hereby Declared That during the Continuance of this Act, all Coaches, and Paſſengers on Horſe-back, ſhall Paſs and Re-paſs, Toll-free, on the Day or Days on which there ſhall be an Election for

for Knight or Knights of the Shire to Serve in Parliament for the said Counties of the Queen's County and Tipperary, or for any Burgels to Serve in Parliament for any Boroughs in the said Counties respectively; Any thing herein Contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think fit, to Compound and Agree by the the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or other Carriage, for any Sum or Sums of Money to be paid Quarterly, from Time to Time after such Agreement shall be made.

Provided also, and it is hereby Declared, That no Person shall be Charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel or other Materials, for Repairing the said Road, or any of the Roads in the Parishes in which the same do lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Charge-

able with the said Toll or Duty for any Carts, Carts or Waggons, Loaded with Corn in the Straw only, or for any Ploughs, Harrows, or other Implements of Husbandry, in order to the Using or Repairing of the same in the several Parishes in which the said High-Ways hereby Intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turnpikes to be Erected for any Horse, Mare, Gelding, Als or Mule, or other Cattle going to Water, or for any Post-horse carrying the Mail or Packet, or for such Horse as is or shall be Used only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse Pals through the said Turn-pike or Turn-pikes with such Waggon, Cart or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers passing that are upon their March, or for any Waggons, Carts, Carrs or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs or other Carriages, Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance from and after the First Day

Day of May, One thouland seven hundred and thirty six, for and during the Term of Forty One Years.

Provided nevertheless, that if at any Time before the Expiration of the said Term of Forty One Years, all parts of the said Road shall be sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Repayment of so much Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof, the said Tolls and Duties shall Cease and Determine; Any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the Continuing a sufficient Number of able Persons to be Trustees for putting in Execution, all and every the Powers in this Act contained, for and during the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any Seven or more of them, upon the Death of any of the said Trustees, or their Removal, or refusing to Act in the said Trust, from Time to Time, and at all Times hereafter during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act,

another Fit and Able Perſon, or ſo many more Fit and Able Perſons, living in the ſaid Counties of the Queen's County and Tipperary, to be joined with the ſaid Truſtees in the Execution of all and every the Power and Powers in them Repoſed by Virtue of this Act, and all and every Perſon or Perſons ſo to be Choſen Truſtee or Truſtees to join in putting this Act in Execution, as they are herein before Qualified to do, ſhall and may, and are hereby Impowered to act, to all Intents and Purpoſes, in as Full, Large and Ample Manner, as the ſaid Truſtees are by this Act Impowered to do; And ſo Toties Quoties, as often as Occaſion ſhall Require.

And be it further Enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, ſhall Meet at Maryborough in the Queen's County, on the Second Monday in the Month of May, One thouſand ſeven hundred thirty and ſix; And the ſaid Truſtees, ſhall then Adjourn themſelves, and afterwards Meet there, or at any other Place or Places near the ſaid High-way or Road to be Repaired, as the ſaid Truſtees, or any Seven or more of them, ſhall think Proper and Convenient, as often as it ſhall be Neceſſary, for putting this Act in Execution; And if it ſhall Happen, that there ſhall not Appear, at any Meeting which ſhall be Appointed to be had or held by the ſaid Truſtees,

Truſtees, a Sufficient Number of Truſtees to Act at ſuch Meeting, and to Adjourn to any other Day, That then, and in ſuch Caſe, the Clerk of the ſaid Truſtees, by Notice in Writing, to be Affixed at the reſpective Gates or Turn-pikes, at leaſt Ten Days before the next Meeting, ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Had, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fortnight upon which ſuch laſt Meeting of the ſaid Truſtees was Appointed to have been Held, and that the ſaid Truſtees at their Firſt Meeting, and at all other Subſequent Meetings, ſhall Defray their own Charges and Expences.

Provided allways, And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons Appointed, or to be Appointed by this Act, a Truſtee or Truſtees for Putting this Act in Execution, ſhall Have or Accept of any Place of Profit Ariſing out of, or by Reaſon of the Toll or Duty by this Act Laid or Granted; But ſuch Perſons ſhall be Incapable, from the Time of Accepting and Continuing to Enjoy ſuch Place of Profit, of Acting as a Truſtee.

And be it further Enacted by the Authority aforeſaid, That if any Suit ſhall be Commenced againſt any Perſon or Perſons, for any Thing done in Purſu-

ance of this Act, that in every such Case the Action shall be Laid in the Queen's County or County of Tipperary, and not Elsewhere; And the Defendant or Defendants in such Action to be Brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be Had thereupon, and that the same was Done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be Done, or such Action or Actions shall be Brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-suited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if, on any Demurrer, Judgement shall be Given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and Have the like Remedy for the same, as any Defendant or Defendants Hath or Have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without Specially Pleading the same.

AN

AN

ACT

For REPAIRING the

ROAD

LEADING

From the Green of *Kilcullen* in the County of *Kildare*, to the Town of *Athy* in the ſame County; And from thence, through the Town of *Stradbally* to the Town of *Timoho* in the *Queen's-County*.

GII R

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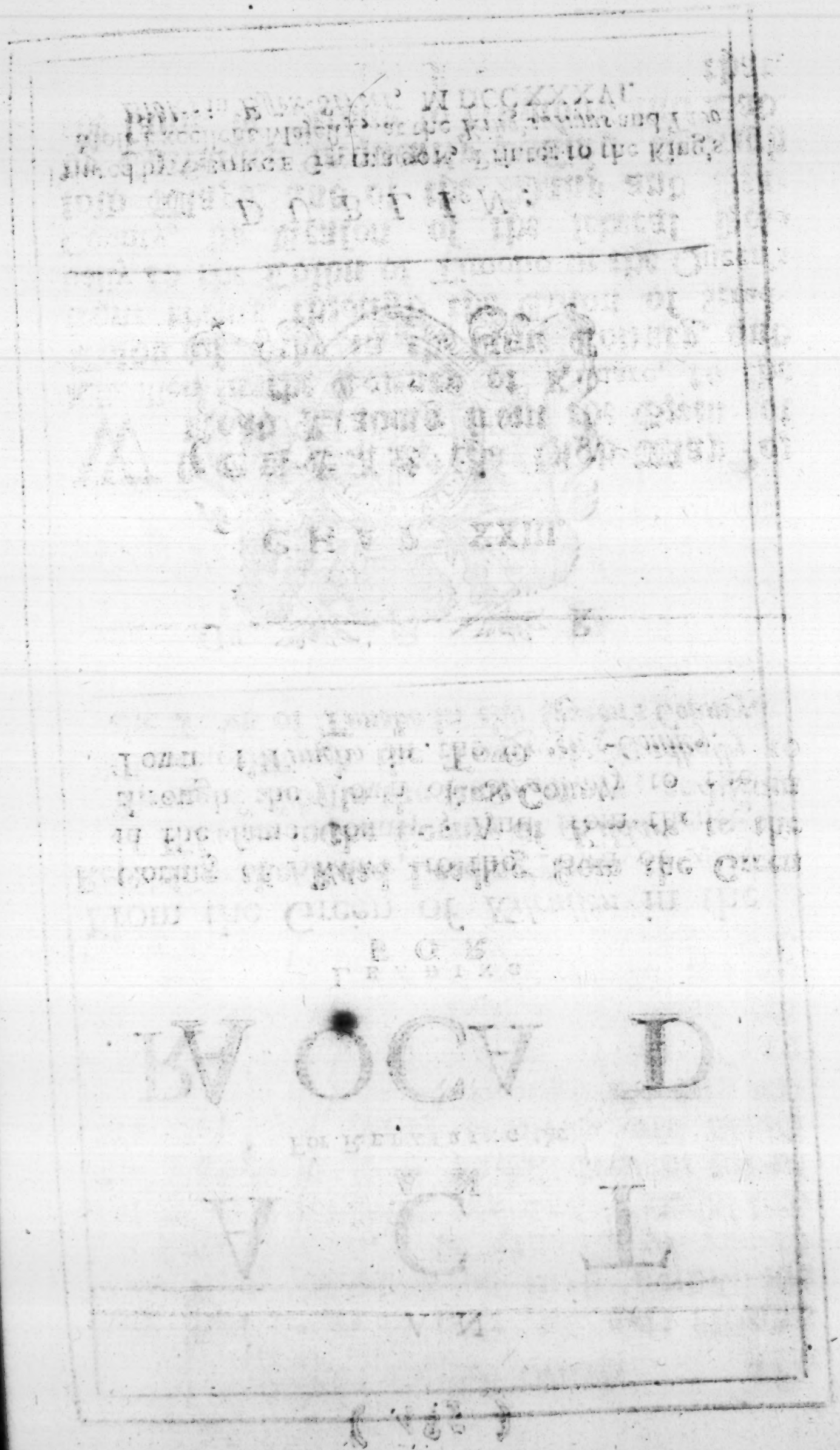

AN

ACT

FOR

Repairing the Road Leading from the Green of *Kilcullen* in the County of *Kildare*, to the Town of *Athy* in the ſame County; and from thence, through the Town of *Stradbally* to the Town of *Timoho* in the *Queen's County*.

CHAP. XXIII.

WHEREAS the High-Way or Road Leading from the Green of Kilcullen in the County of Kildare, to the Town of Athy in the ſame County, and from thence, through the Town of Stradbally to the Town of Timoho in the Queen's County, by Reaſon of the ſeveral Holloth Ways, and of the Many and Heavy Carriages frequently paſſing through the ſame, is become ſo Ruinous and Bad, that,

that, in Winter-Season, many Parts thereof are Impassable for Waggons, Carts, Carrs and Carriages, and very Dangerous for Travellers, and Cannot, by the Ordinary Course Appointed by the Laws and Statutes of this Realm, be Effectually Amended, and Kept in Good and Sufficient Repair:

Wherefore, and to the Intent, that the said High-Way and Road may, with Convenient Speed, be Effectually Amended, and hereafter Kept in Good and Sufficient Repair, so that all Persons may Travel the same with Safety,

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for the better Surveying, Ordering, Amending, and Keeping in Repair, the said High-Way or Road, the Right Honourable Robert Earl of Kildare, the Right Honourable Richard Earl of Cavan, the Right Honourable Edward Earl of Drogheda, the Right Honourable Joshua Lord Viscount Allen, the Right Honourable Brabazon Lord Viscount Duncannon, the Right Reverend Charles Lord Bishop of Kildare, the Right Honourable William Lord Castle-Durrow, the Right Honourable Thomas Carter Esquire, Master of the Rolls, the Honourable Richard Allen Esquire, Maurice Keating,

Keating Eſquire, Sir Walter Dixon Burrows Baronet, Mark Anthony Morgan, John Bourke, Edward Stratford, Nicholas Aylward, Robert Downes, Thomas Burgh of Bert, John Digby, Robert Burton, Ephraim Dawſon, Captain John Warburton, Thomas Keating, Thomas Bunbury, Robert Burrows, Eſquires, Sir John St. Leger Knight, John Dillon Eſquire, Colonel Clement Nevill, Robert Pearcy Eſquire, Maurice Keating Junior, Eſquire, the Honourable John Allen Eſquire, William Ryves Eſquire, John Waller Eſquire, Robert Harman Eſquire, Theobald Bourke Eſquire, Richard Meredyth Eſquire, Robert Meredyth Eſquire, John Lieuthelier Eſquire, Thomas Burgh of Naas, Eſquire, William Burgh Eſquire, Roſs Fox, Francis Anneſley, Arthur Weldon, Joſeph Fiſh, Thomas Fitzgerald, Eſquires, the Sovereign of the Town of Athy for the Time being, James Carroll Eſquire, John Lynch Gentleman, Daniel Browne, Francis Brown Junior, Francis Gates Eſquire, the Reverend Alexander Bradford Doctor of Divinity, the Reverend Robert Pinſent Clerk, Abel Strattle, Edward Harman, William Bradford, Francis Lewis, Graham Bradford, Charles Fleetwood, Edward Davis, Gentlemen, John Cheney Eſquire, Thomas Gates Junior, John Bennet, Gentlemen, the Reverend Shem Thompſon Clerk, Thomas Pillſworth Senior, Ralph Pillſworth Senior, Joſeph Chapman, Gentlemen, the Reverend John King Clerk, Joſeph Higginſon, Ternan Rorke, Joſiah Jackſon,

ſon, George Alcock, Abraham Robinſon, Joſeph Taylor, Richard Dunn, **Gentlemen**, William Cooper, John Maxwell **Eſquires**, Edward Cooper, William Cooper, **Gentlemen**, Daniel Burry, John Burry, Robert Dillon, Henry Fuller **of** Ballytore, John Smith, Murrough Graydon, James Medlicott, **Eſquires**, Hunt Walſh, Pool Crosbie, Warner Weſtenra, Thomas Fitzgerald, Nathaniel Mitchell, William Fitzgerald, Lewis Moore **and** John Barrington, **Eſquires**, **and the Survivors of them, ſhall be, and are hereby Nominated and Appointed Truſtees of the ſaid Road, and they, or any Five or more of them, or ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall Authorize and Appoint, ſhall and may Erect or cauſe to be Erected, One or more Gate or Gates, Turnpike or Turn-pikes, in, upon, or croſs any Part or Parts of the ſaid High-Way and Road; And alſo, a Toll-Houſe or Toll-Houſes, and there ſhall Receive and Take the Tolls and Duties following, Before any Horſe, Mare, Gelding, Cattle, Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, Carr, or other Carriage, ſhall be Permitted to Paſs through the ſame** (Viz.) **For every Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Drawn by Six Horſes, Geldings or Mares, the Sum of One Shilling and Six Pence; And for every Coach, Berlin, Chariot, Calaſh, Chaiſe or Chair, Drawn by any Leſſer Number of Horſes, Geldings or Mares than**

than Six and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Wain, Carr or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart, or Carriage, with Two Wheels, Drawn by more than Two Horses, Mares, or Geldings or Oxen, the Sum of Two Shillings and Six Pence; For any Cart or other Carriage, Drawn with Two Horses, Geldings or Mares, the Sum of Four Pence; For every Carriage Commonly Called a Chair or Chaise, with one Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, Except Carrs Loaden with Turf, and for each of them, and for any Horse or other Cattle Loaden with Turf, not Drawing, One Penny; For every other Horse, Mare, Gelding, Mule or Ass, Laden or Unladen and not Drawing, One Penny; For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Calves, Hoggs, Sheep or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said Respective Sum and Sums of Money, shall be Demanded and

Taken in the Name of, or as a Toll or Duty, and the Money so to be Raised as aforesaid, is and shall hereby be Vested in the said Trustees, and the same, and every part thereof, shall be Paid, Applied, Disposed of and Assigned to and for the several Uses, Intents and Purposes, and in such Manner, as is hereinafter Mentioned and Directed; And the said Trustees, or any Five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto Authorized to Levy the Toll or Duty hereby Required to be Paid, upon any Person or Persons, who shall, after Demand made thereof, Neglect or Refuse to pay the same, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels of such Person or Persons, who ought to pay the same, and may Detain and Keep the same, until such Toll or Duty, with the Reasonable Charges of such Distraining and Keeping, shall be Paid; And it shall and may be Lawful to and for the Person or Persons so Distraining, after the Space of Five Days after such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus (if any be) upon Demand to the Owner thereof, after such Toll, Duty and Reasonable Charges for Distrain-

Diſtraining and Keeping the ſame, ſhall be Deducted and Paid.

And be it further Enacted by the Authority aforeſaid, That out of the Firſt Money, Ariſing from the Profits of the ſeveral Turn-pikes to be Erected, the ſaid Truſtees, or any Five or more of them, ſhall Firſt Pay and Diſcharge the Expence of Procuring this Act of Parliament, and of Erecting ſuch Turn-pike or Turn-pikes, and Building ſuch Toll-Houſe or Toll-Houſes; And from and after ſuch Charges and Expences ſhall be fully Satisfied and Paid, That then, and from thenceforth, the Profits Ariſing, and the Toll to be Collected at any Turn-pike or Turn-pikes to be Erected or Set up on the Road, Leading from the Green of Kilcullen in the County of Kildare, to the Town of Athy in the ſaid County, and from thence, through the Town of Stradbally, to the Town of Timoho in the Queen's County aforeſaid, ſhall be Applied for and towards the Repair of the ſaid Road; Beginning ſuch Repairs at the Green of Kilcullen, and Continuing the ſame Directly on, through the Town of Athy, to the Bounds of the County of Kildare; And after the ſaid Road, from the Green of Kilcullen to the Bounds of the County of Kildare, ſhall be Compleatly Amended and Repaired, Then, and not before, the Profit Ariſing by the ſaid Toll, or any ſuch Sum or Sums of Money

as shall be Borrowed on the Credit of the said Toll, shall be Applied towards Repairing the said Road, from the Bounds of the County of Kildare, to the Town of Timoho in the Queen's County only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, Owning, Renting or Occupying any Land, near unto any Turn-pike to be Erected in pursuance of this Act, shall for Gain, Reward or otherwhile, Permit any Person or Persons whatsoever to Pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Carr or other Carriage, or Riding or Driving any Horse, Ass, Mule or any Sort of Cattle, to Avoid the Payment of the Toll, hereby Appointed to be Paid, and shall be thereof Convicted, upon Oath of One or more Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace, for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees, Authorized to Put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the

Hand

Hand and Seal, or under the Hands and Seals of the said Trustees, or any Five or more of them, or such Justice or Justices, Rendring the Overplus to the Owner (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Five or more of them, to Erect one or more Gate or Gates, Turn-pike or Turn-pikes, on the Side of the said High-Way or Road, cross any Way or Lane, leading out of the said Road, and Toll-house or Toll-houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Chatge in case of passing through any other of the Turn-pikes to be Erected by Virtue of this Act, from the Road leading from the Green of Kilcullen in the County of Kildare to the Town of Athy in the same County, and from thence, through the Town of Stradbally, to the Town of Timoho in the Queen's County aforesaid.

And be it Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at the first Meeting, or any succeeding Meetings, by Writing under their Hands and Seals, shall and may Elect, Nominate and Appoint, one or more fit Person or Persons to

be Receiver or Receivers, Collector or Collectors, of such Money, in the Name of such Toll or Duty as shall be Due and Payable by Virtue of this Act, and also, one or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said High-Way or Road, and to take Care that the same be Amended and Repaired, and that the Money Arising and Expended by Virtue of this Act, be duly Applied, and shall and may from time to time Remove such Collectors, Receivers and Surveyors, or any or either of them, as they shall see Occasion, and Appoint new ones in Case of Death or of such Removal; And such Person or Persons as is or are by this Act liable to pay the said Toll or Duty is and are hereby required to pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty in that Behalf, from Time to Time Appointed as aforesaid, for the Receiving the said Toll or Duty; And such Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, as aforesaid, shall upon Oath (if thereto required) before the said Trustees, or any Five or more of them, or before one or more Justice or Justices of the Peace Residing near the High-Way or Road aforesaid, which Oath, such Trustees, or any Five or more of them, or such Justice or Justices

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is, and are hereby Impowered and Required to Administer, on the First Tuesday in every Month, or oftner if required, during the Continuance of this Act, give in a True, Exact and Perfect Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have Received, Paid and Disbursed by Virtue of this Act, by reason of their respective Offices, for which Oath no Fee or Reward shall be taken; And in Case any Money so Received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing or Writings under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disburled and Laid out in Amending the said High-Way or Road, according to the True Intent and Meaning of this Act, and not Otherwise; And the said Trustees, or any Five or More of them, to whom such Account shall be Given, shall and may, Out of the Money Arising by the said Toll or Duty, Make such Allowance to the Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for and in Consideration of his and their Care and Pains respectively Taken in the Execution of his and

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their Office and Offices, and to such o=ther Person or Persons who have been or shall be Assisting in and about Pro=curing the said High=Way or Road to be Amended and Repaired, by advancing or laying out any Money or otherwise relat=ing thereunto as to them shall seem Good, so as such Allowance or Allowances to such Collector or Collectors do not An=nually Exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not Exceeding Two Shillings per Day, Du=ring such Time or Times as he or they shall be respectively Employed in the Re=pair of the said Road, and so as such Al=lowance or Allowances to any other Person or Persons, who shall be Em=ployed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Year=ly to each Person; And in Case the said Receiver or Receivers, Collector or Col=lectors of the aforesaid Toll or Duty, Surveyor or Surveyors, or any of them, shall not Make such Account and Pay=ment unto such Person or Persons, Ac=cording to the Orders and Directions of the said Trustees, or any Five or More of them as aforesaid, That then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden for the County in which the said Re=ceiver or Receivers, Collector or Collectors, Surveyor or Surveyors, have Acted, or been Employed, and Made such Default

as

as aforesaid, shall, and are hereby Required and Impowered to Make Inquiry, and Finally to Determine of, and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or More Credible Witnels or Witnesses upon Oath, which Oath they are Impowered and Required to Administer, without Fee or Reward; And if any Person or Persons shall be Convicted thereof by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County where such Offence shall be Committed, there to Remain without Bail or Mainprize, until he or they shall have Made a True and Perfect Account, and Payment as aforesaid.

And the better to Prevent Frauds, and the Avoiding Payment of the said Tolls, Duties or Customs,

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any Nine or More of them, to Make, Erect and Fix One or More Gate or Gates, Turn-pike or Turn-pikes, at or on the several and respective Roads Leading to the several Fords or Passages in or through the River Barrow, at and between the Towns and Lands of Milltowne and Magenny in the said County of Kildare, and there to Levy, Collect and

Take the ſeveral and reſpective Tolls, Duties or Cuſtoms aforeſaid, to be Paid and Applied to the Uſes, and in the Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall Appoint, to Dig, Raiſe, Gather, Take and Carry away any Gravel, Furze, Sand, Stones, or other Materials, out of any Waſte or Common of any Pariſh, Town, Village or Hamlet in or near which any Founderous or Ruinous Places of the ſaid High-Way or Road do Lie, and for Want of Sufficient Gravel, Furze, Sand, Stones, or other Materials there, to Dig, Gather, Raiſe, Take and Carry away the ſame out of the Waſte or Common of any Neighbouring Pariſh, Town, Village or Hamlet, Without Paying any Thing for the ſame; And where there is not Sufficient of ſuch Materials in any Common or Waſte Grounds near Adjoining, it ſhall and may be Lawful for them, by Order of the ſaid Truſtees, or any Five or More of them, to Dig, Raiſe and Gather the ſame, in the ſeveral Grounds of any Perſon or Perſons, not being Built upon, and not being a Garden, Orchard, Yard or Meadow, Planted Walk or Walks, or Avenue to a Houſe, where any ſuch Materials are or may be Found, and from Time

Time to Time to Carry away such and so much thereof, as the said Surveyor or Surveyors, in their respective Places, shall Adjudge Necessary for the Amending and Repairing the said High-Way or Road, paying such Rates for such Materials to the Owner or Occupier of the Ground from whence the same shall be Digged, Raised, Gathered and Carried away, as the Trustees Appointed, or to be Appointed to Put this Act in Execution, shall Adjudge Reasonable: And in Case of any Difference between such Owner or Occupier and the said Trustees, Touching the Damage aforesaid, the Judges of Assize at the next General Assizes and General Goal-Delivery, to be Holden in the County where such Materials shall be Digged, Raised or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and Finally Determine the same.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint, from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-way or Road, hereby Intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks or Drains, Running into the said High-Way or Road, and to Cleanse any Ditch or Water-

Courſes Adjoining to the ſaid Road, and to Cut down, Lop or Top any Trees or Buſhes, Growing on the ſaid High-way, or in the Hedges or Banks Adjacent to the ſaid High-way, and to Take and Carry away the ſame, the Owner or Occupier Neglecting to Cut down ſuch Trees or Buſhes, or to Remove ſuch other Annoyances for the Space of Ten Days after Notice in Writing, Given for that Purpoſe, under the Hands of Five of the ſaid Truſtees, the Chatges whereof ſhall be Reimburſed, the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers Neglecting to Cut down the ſaid Trees or Buſhes, or to Remove ſuch other Annoyances as aforeſaid; And if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall again Offend in like Kind, every ſuch Perſon or Perſons ſo Offending, and being thereof Convicted, upon the Oath of one or more Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace for the ſaid County where ſuch Offence ſhall be Committed, ſhall for every ſuch Offence, Forfeit and Pay unto the ſaid Truſtees where ſuch Offence ſhall be Committed, Ten Shillings, to be Levied in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to Make

or

or Cause to be Made, Causeways, and to Cut and Make Drains, through any Ground lying Contiguous to the said Roads, and to Erect Arches of Brick, Timber or Stone thereupon, and also to Widen any of the narrow Parts of the said High-ways or Roads, by Opening, Clearing and Laying into the said High-way or Road, any Ground of any Person or Persons, lying Contiguous to such High way or Road not being Built upon, and not a Garden, Orchard, Yard, Planted Walk, or Avenue to a House, and also, to Cause Ditches or Trenches to be made in such Places, and in such Manner as such Surveyor or Surveyors, by the Order of the said Trustees, or any Five or more of them, shall Adjudge Necessary, for the better Amending and Keeping of the said High-way or Road in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so Laid in or unto the said High-way or Road, or through which any such Drain or Drains shall be Cut, or on which any such Arch or Arches shall be made, for the Damages which he or they shall or may thereby Sustain, as shall be Assessed and Adjudged by the next going Judge or Judges of Assize, or by the Justices of the Peace, or the major Part of them, at the next General Assizes or Quarter-Sessions to be Holden for the County in which such Ground lies, which shall be

Laid into the said High-Way or Road, and through which any such Drain or Drains, Ditch or Ditches shall be Cut or Made, or on which such Arch or Arches shall be Erected or Made, or such Cauſe-ways Made, in Caſe of any Difference Concerning the same; And if any Owner or Occupier of any Water-Courſes, Ditch or Ditches, Adjoyning to the said High-way or Road, shall Neglect or Refuſe to Scour or Clean such Water-Courſes, and to make such Ditches so Deep, and in such Manner, as the Surveyor or Surveyors shall Adjudge Proper and Convenient, after Eight Days Notice shall be given for that Purpoſe, by such Surveyor or Surveyors, or such Perſon or Perſons as shall be Appointed by him or them, to such Owner or Owners, it shall and may be Lawful, to and for the Surveyor and Surveyors, to Set any Man or Men to Work, to Scour or Cleanſe and Make the same, and by Warrant in Writing under the Hands and Seals of any Five or more of the said Truſtees, to Levy the Charge thereof upon the Goods or Eſtates of the Owner or Owners, Occupier or Occupiers of such Water-Courſe, Ditch or Ditches, by Diſtreſs and Sale of his, her or their Goods and Chattels, Rendring the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And

And whereas the said High-way or Road leading from the Green of Kilcullen in the County of Kildare, to the Town of Athy in the same County, and from thence, through the Town of Stradbally, to the Town of Timoho in the Queen's County, may be considerably Shortned, and made much more Convenient for Travellers, if the same was carried Straight and in a direct Line, where the same is now Crooked; For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made use of in Carrying such Road Straight as aforesaid,

Be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to Ascertain, Describe and set Apart, such a Part and Proportion of the Lands Adjoining or Contiguous to the said High-Way or Road, as they the said Trustees, or any Five or more of them, shall Adjudge necessary for Carrying the same Straight and in a direct Line, provided that no Part of the said Lands so to be set Apart, be Built on, and that the same be not Part of any Garden, Orchard, Yard, Planted-Walk or Avenue to a House, or of a Park or Paddock for Deer; And the said Trustees, or any Five or more of them, are hereby further Authorized and Impowered to Treat and Agree with the Owners and

others Interested in the said Ground to be made Use of in Carrying on the said Road Straight as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties arising by Virtue of this Act, as the said Trustees, or any Five or more of them, shall think fit and reasonable; And in Case any Person or Persons shall neglect or refuse to Treat or Agree as aforesaid, or through any Disability by Nonage, Coverture, or Special Limitation in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise howsoever shall refuse to Dispose of their respective Interest in such Land, as the said Trustees, or any Five or more of them, shall think convenient, for the Shortning of the said Road, in every such Case, the said Trustees, or any Five or more of them, are hereby Authorized and Impowered to issue forth their Warrant or Warrants, to the Sheriff or Sheriffs of the County wherein such Ground doth lye, to Impannel and Return before the said Trustees, or any Five or more of them, at such Time and Place within the said County, as shall be Appointed in such Warrant or Warrants, a sufficient Jury, who upon their Oaths (which said Oaths, the said Trustees, or any Five or more of them, are hereby Impowered and Required to Administer) shall Enquire into the True and Real Value of such Ground

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to be made Use of for the said High-Way or Road, and such Verdicts or Inquisitions as shall be so Found and Returned by the said Jury, Ascertaining the Value of such Ground, shall be Final and Conclusive, as well to the said Trustees, as to the several and respective Owners and Proprietors of such Ground, notwithstanding any such Disability or Incapacity whatsoever.

And forasmuch as the Money to be so Collected by such Receipt of the said Toll, will not at Present be Sufficient for the Speedy Repairing of the said High-Ways or Roads; Be it further Enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and are hereby Impowered, from Time to Time, by Writing under their respective Hands and Seals, to Assign over the said Toll or Duty hereby Granted, or any Part thereof (the Costs and Charges whereof are to be Born and Paid out of such Toll or Duty) for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money, by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance or Lend the same, to Secure the Re-payment thereof, with Lawful Interest, or less if the same can be so had, which said Money, so Borrowed, shall be Applied and Disposed of, as the Toll or Duty is by this Act to be Applied and

Diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the ſaid Truſtees, or any Nine or more of them, from Time to Time, During the Continuance of this preſent Act, to Make out Warrants or Orders in Writing under their Hands, Directed to the Treaſurer or Receiver of the ſaid Tolls, Requiring him to Pay thereout, to the Perſon or Perſons Named in ſuch Warrant or Order, their Executors, Adminiſtrators or Aſſigns, the Growing Intereſt of the Sum of Money Mentioned in ſuch Warrant or Order, as the ſame ſhall from Time to Time become Due, until ſuch Time as the Principal Sum Mentioned in ſuch Warrant or Order ſhall be Paid off, and Diſcharged at One Intire Payment; Provided, that no Warrant or Order to be Iſſued to the ſaid Treaſurer or Receiver, by Virtue of this Act, ſhall be for any Greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon or Perſons to whom ſuch Warrant or Order ſhall be Given, his, her or their Executors or Adminiſtrators, may, by Indorſements on ſuch Orders or Receipts, Transfer the Right and Benefit of the Sum Mentioned in ſuch Warrants or Orders; Which Indorſements, upon

upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book to be Kept for that Purpose (which the said Treasurer or Receiver shall, upon Request, without Charge, Fee or Reward, Make Accordingly, and shall, on the like Request, permit to be Viewed at Reasonable Hours, without Fee or Reward) Shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; And that the said Warrant or Order may, in like Manner, be Assigned or Transferred by such Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons who Made such Assignment, to Make Void, Release or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbred.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby Made payable, shall be Applied and paid to the Discharge of the Interest of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Roads; And that all the Surplus of the said Tolls and Duties hereby Made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Roads, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned (Viz.) That when, and as often as such Surplus Received by the said Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said Treasurer or Receiver shall Cause the Number of all the Warrants or Orders, which shall be Issued and Delivered out in Pursuance of this Act, and the Sums therein Contained, to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Sealed up, and Put into a Box or Urn, and well Mixed together, and an Indifferent Person to be Appointed by the said Trustees, or any Five or More of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the said Trustees or Receiver Publickly Advertized in the Dublin-Gazette for that Purpose, at least Twenty Days before,

foze, at the Town of Athy, Draw out of such Box or Urn, as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two Hundred Pounds, and the Person or Persons the Number of whose Warrants or Orders shall be so Drawn, his or their Executors, Administrators or Assigns, shall, within Twenty Days after the said Warrants or Orders shall be Drawn, be Paid by the said Treasurer or Receiver the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and their several and respective Warrants or Orders to the said Treasurer or Receiver, to be Cancelled, which he is hereby Required to Cancel Accordingly; And the Interest Payable by Virtue of such Warrants or Orders, shall Cease from the Expiration of Twenty Days, to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

And be it further Enacted by the Authority aforesaid, That every Person Chargeable by any Law now in being, towards the Repairing the said High-way or Road, shall Yearly, During the Continuance of this Act, Do and Perform Two Days of that Work, commonly Called, The Statute-Work, which is Appointed by the Laws now in being, for the Amending of the

High-ways in this Kingdom, in such Manner, Place and Places, being Part of the High-way hereby Intended to be Repaired, and at such Time as the Surveyor or Surveyors to be Appointed, by Virtue of this Act, shall, by Writing under his or their Hand or Hands, from Time to Time Order and Direct, and shall not be again Chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; And also, that the respective Surveyor or Surveyors for the Time being, of all and every Parish and Parishes, in which the said High-way and Road, Intended to be Repaired by this Act lie, shall Yearly and every Year, within Four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being, Appointed by Virtue of this Act, give a List or an Account in Writing, under his or their Hands, of the Name or Names of all and every Person or Persons, in the said respective Parish or Parishes, who are by the Laws now in Force, Chargeable towards the Repairing of the High-ways, of the said respective Parishes, and what he or they, is or are Chargeable with respectively, for and towards the same, to the Surveyor or Surveyors, Appointed or to be Appointed, by Virtue of this Act; And that the Surveyor or Surveyors of the said Parishes, shall, within three Days next after Notice given by the said Surveyor or Surveyors,

Surveyors Appointed by this Act, of the Time when and how many of the said Persons so Chargeable as aforesaid, he or they would have to do the said Two Days Work, in and upon the said Road to be Repaired by this Act, either Summon or Give Publick Notice thereof to the said Person or Persons so Chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall Neglect or Refuse to do as they are hereby Directed and Required, he or they, for every Offence, shall Forfeit and Pay the Sum of Forty Shillings; And if any Person or Persons, keeping a Team, Cart, Carr, or other Carriage, and Chargeable towards the Repairing of the High-ways as aforesaid, shall Neglect or Refuse, to Do and Perform the said Two Days Work in the said High-way, by this Act Intended to be Repaired, after such Summons, or Publick Notice shall be given as aforesaid, he or they respectively, shall Forfeit and Pay the Sum of Five Shillings for each of the said Two Days Work, such Person or Persons keeping a Team, Cart, Carr or other Carriage, shall make Default; And if any Labourer or other Person so Chargeable towards the Repairing of the High-ways of the said Parishes, shall at any Time Neglect or Refuse, after such Summons or Publick Notice given as aforesaid, to Do and Perform the said Two Days Work in the said High-

way, by this Act Intended to be Repaired, he or they shall respectively Forfeit and pay the Sum of One Shilling, for Each of the said Two Days such Labourer, or other Person or Persons, shall make Default: All which Penalties and Forfeitures by this Act Imposed, shall be Levied and Recovered by Distress and Sale of any of the Offenders Goods and Chattels, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of One or More Credible Witness or Witnesses upon Oath, which Oath the said Trustees, or any Five or More of them, are hereby Impowered and Required to Administer; And the said Forfeitures and Penalties before Mentioned, when Recovered, after Rendring the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so Distrained, the Charges of such Distress and Sale being First Deducted, shall Go to, and be Applied for, and towards Amending the said High-way Intended by this Act to be Repaired, in like Manner as the Toll Intended by this Act is to Go, and be Applied.

Provided allways, That in Case there shall be more than One Gate or Turnpike in, cross, or on the Side of the said High-Way or Road between the said Green of Kilcullen in the County of Kildare, to

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the Town of Athy in the same County, and from thence, through the Town of Stradbally, to the Town of Timoho in the Queen's County, no Person or Persons having paid the Toll or Duty at the First Gate or Turn-pike through which such Person or Persons shall pass, and producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket the said Receiver or Receivers, Collector or Collectors, is and are hereby Required to Give Gratis) shall be Liable to pay any Toll or Duty at any other of the said Gates or Turn-pikes upon the said High-way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Latter Gate or Turn-pike, the same Day; And no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is Taken, who shall Return the same Day, upon or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable, the same Day, to Pay the said Toll or Duty more than Once on the same Road.

And for Preventing Frauds and Abuses in the said Toll or Duty,

Be it Enacted by the Authority aforesaid, That if any Person or Persons, having

ing paid the Toll or Duty by this Act Granted and Made payable, and having such Note or Ticket, Notes or Tickets, as hereby Directed, shall Give or Dispose of the same to any Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, Every such Person Giving, Disposing or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or More Witness or Witnesses, before the said Trustees, or any Five or More of them, or before any One or More Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed (which Oath the said Trustees, and the said Justice or Justices are hereby Impowered to Administer) shall respectively Forfeit and Pay the Sum of Ten Shillings, to be Levied, Recovered, and Disposed of, as any other Penalty or Forfeiture is Directed to be Levied, Recovered, and Disposed of, by this Act.

Provided always, and it is hereby Declared That during the Continuance of this Act, all Coaches, and Passengers on Horse-back, shall Pass and Re-pass, Toll-free, on the Day or Days on which there shall be an Election for Knight or Knights of the Shire for the said Counties of Kildare or Queen's County, or for any Burgess to Serve in Parliament for any Boroughs in the said

Counties

Counties respectively; Any thing herein Contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby Impowered, from Time to Time, as they shall see Convenient or think fit, to Compound or Agree by the Year or otherwise, with any Person or Persons using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch-Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or other Carriage, for any Sum or Sums of Money to be paid Quarterly, from Time to Time after such Agreement shall be made.

Provided also, and it is hereby Declared, That no Person shall be Charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be Erected by this Act, who shall carry any Quantity of Stones, Gravel or other Materials, for Repairing the said Road, or any of the Roads in the Parishes in which the same do lye, or in any of the Neighbouring Parishes; Nor shall any Person or Persons be Chargeable with the said Toll or Duty for any Carts, Carrs or Waggons, Loaded with Corn in the Straw only, nor for any Ploughs, Harrows, or other Implements

of Husbandry, in order to the Using or Repairing of the same in the several Parishes in which the said High-Way or Road hereby Intended to be Repaired do lye; Nor shall any Toll or Duty be Demanded or Taken at any of the Turnpikes to be Erected for any Horse, Mare, Gelding, Ass or Mule, or other Cattle going to Water, or for any Post-horse carrying the Mail or Packet, or for such Horse as is or shall be Used only to Ride on by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse Pass through the said Turn-pike or Turn-pikes with such Waggon, Cart or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers passing that are upon their March, or for Waggons, Carts, Carrs or other Carriages Attending them, or for Horses, Waggons, Carts, Carrs or other Carriages, Travelling with Vagrants sent by Passes, or with Prisoners Transmitted from one part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall take Place and have Continuance from and after the Tenth Day of April, One thousand seven hundred and thirty six, for and during the Term of Forty One Years.

Provided

Provided nevertheless, that if at any Time before the Expiration of the said Term of Forty One Years, all parts of the said Road shall be sufficiently Amended and Repaired, and so Adjudged by the Majority of the Trustees Appointed or hereafter to be Chosen by Virtue of this Act, by an Adjudication made, and Repayment of such Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof, the said Tolls and Duties shall Cease and Determine; Any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the Continuing of a sufficient Number of able Persons to be Trustees for putting in Execution, all and every the Powers in this Act contained, for and during the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any Five or more of them, upon the Death of any of the said Trustees, or their Removal, or refusing to Act in the said Trust, from Time to Time, and at all Times hereafter during the Term aforesaid, to Elect, Nominate and Appoint, in the Room of such Trustee or Trustees so Deceased, Removed or Refusing to Act, another Fit and Able Person, or so many more Fit and Able Persons, living in the said County of Kildare and Queen's County,

to be joined with the said Trustees in the Execution of all and every the Power and Powers in them Reposed by Virtue of this Act, and all and every Person or Persons so to be Chosen Trustee or Trustees to join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to act, to all Intents and Purposes, in as Full, Large and Ample Manner, as the said Trustees are by this Act Impowered to do; And so Toties Quoties, as often as Occasion shall Require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall Meet at Athy in the County of Kildare, on the Second Monday in the Month of April next; And the said Trustees, shall then Adjourn themselves, and afterwards Meet there, or at any other Place or Places near the said High-Way or Road to be Repaired, as the said Trustees, or any Five or more of them, shall think Proper and Convenient, as often as it shall be Necessary, for the putting this Act in Execution; And if it shall Happen, that there shall not Appear, at any Meeting which shall be Appointed to be had or held by the said Trustees, a Sufficient Number of Trustees to Act at such Meeting, and to Adjourn to any other Day, Then, and in such Case, the Clerk of the said Trustees, by Notice

in Writing, to be Affixed at the reſpective Gates or Turn-pikes, at leaſt Ten Days before the next Meeting, ſhall Appoint the ſaid Truſtees to Meet at the Houſe where the Meeting of the ſaid Truſtees was laſt Appointed to be Had, or at ſome other Convenient Houſe near the ſaid Road, on that Day Fortnight upon which ſuch laſt Meeting of the ſaid Truſtees was Appointed to have been Held, and that the ſaid Truſtees at their Firſt Meeting, and at all other Subſequent Meetings, ſhall Defray their own Charges and Expences.

Provided allways, And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons Appointed, or to be Appointed by this Act, a Truſtee or Truſtees for Putting this Act in Execution, ſhall Have or Accept of any Place of Profit Ariſing out of, or by Reaſon of the Toll or Duty by this Act Laid or Granted; But ſuch Perſon or Perſons ſhall be Incapable, from the Time of Accepting and Continuing to Enjoy ſuch Place of Profit, of Acting as a Truſtee.

And be it further Enacted by the Authority aforeſaid, That if any Suit ſhall be Commenced againſt any Perſon or Perſons, for any Thing done in Purſuance of this Act, that in every ſuch Caſe the Action ſhall be Laid in the ſaid County of Kildare or Queen's County, and not Elſewhere; And the Defendant or

Defendants in such Action or Actions so to be Brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be Had thereupon, and that the same was Done in Pursuance, and by the Authority of this Act; And if it shall Appear so to be Done, or such Action or Actions shall be Brought in any other County, that then the Jury shall Find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be Non-suited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if, on any Demurrer, Judgment shall be Given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants Hath or Have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged and Taken to be a Publick Act, and be Judicially Taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without Specially Pleading the same.

AN

AN

ACT

TO

Explain, Amend, and Make more Effectual, an Act, Intituled, *An Act for Repairing the Road Leading from the Town of* Kilcullen *in the County of* Kildare, *to the City of* Kilkenny.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's-Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXVI.

AN

ACT

TO

Explain, Amend, and Make more Effectual, an Act, Intituled, An Act for Repairing the Road Leading from the Town of Kilcullen, in the County of Kildare, to the City of Kilkenny.

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DUBLIN:

Printed by George Grierson, Printer to the King's most Excellent Majesty, in the King's-Arms and Two Bibles in Dame-Street, MDCCXXXVI.

AN

ACT

TO

Explain, Amend, and Make more Effectual, An Act, Intituled, *An Act for Repairing the Road leading from the Town of* Kilcullen *in the County of* Kildare, *to the City of* Kilkenny.

CHAP. XXIV.

WHEREAS by an Act passed in the Fifth Year of the Reign of His Present Majesty King George the Second, Intituled, An Act for Repairing the Road leading from the Town of *Kilcullen* in the County of *Kildare*, to the City of *Kilkenny*, several Tolls and Duties were Granted and made Payable for Repairing the said Road, which said Act was to Commence from the First Day of May, in the Year

of our Lord, One thouſand ſeven hundred and thirty two, and from thence to continue in Force during the Term of Twenty One Years.

And whereas the Truſtees appointed to put the ſaid Act in Execution, have borrowed the Sum of two thouſand ſix hundred Pounds on the Credit thereof, which is ſtill unpaid, and have Applied the ſame, together with the Tolls Collected by Virtue of the ſaid Act, in Amending that Part of the ſaid Road which leads from the ſaid Town of Kilcullen to Laughlin-Bridge, and great Progreſs hath been made in Repairing thereof.

And whereas by a Clauſe in the ſaid Act it is Enacted, That from and after the ſaid Road from the the ſaid Town of *Kilcullen* to *Laughlin-Bridge* ſhall be compleatl Amended and Repaired, that then, and not before, the Profits ariſing by the ſaid Toll, or any Sum or Sums of Money which ſhall be Borrowed on the Credit of the ſaid Toll, ſhall be Applied towards Repairing the Road leading from *Laughlin-Bridge* to the City of *Kilkenny*; which is adjudged a very great Inconvenience to the Inhabitants of the County of the City of Kilkenny and County of Kilkenny, who frequently Travel the ſaid Road, and pay the ſaid Toll, without any Hope or Proſpect of having the ſaid Road Repaired, by Reaſon the Toll collected by the ſaid Act proves Inſufficient, either to pay the ſaid Principal Sum of Two Thouſand Six hundred Pounds

ſo

so borrowed, or the Interest thereof; or to Repair and Amend that part of the said Road which leads from the said Town of Kilcullen to Laughlin-Bridge.

And whereas a great part of that part of the said Road which leads from the Town of Catherlough in the County of Catherlough, to the City of Kilkenny, by reason of the Depth and Nature of the Soil, and the great Scarcity of Materials to Repair and Amend the same, and the Length and Extent of the said Road from the said Town of Kilcullen to the said City of Kilkenny, cannot be Repaired and sufficiently Amended by the Tolls and Duties made payable by the said Act, but that it is of Absolute Necessity, in Order to Repair and Amend the same Effectually, that the said Road from the said Town of Catherlough to the City of Kilkenny, be erected into a separate and Distinct Turn-pike, so as that a Toll be Collected and Receive on that part of the said Road, Separated and Distinct from the Toll Collected or Received on the other part of the said Road, which Leads from the said Town of Kilcullen to the said Town of Catherlough.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Act, made in the Fifth Year of the Reign of His

present Majesty King George the Second, and all and every the Authorities, Powers, Articles, Rules, Penalties and Clauses therein Contained (except the herein before-recited Clause, and what are hereby Altered) shall be of full Force and Effect, and shall Continue and be Executed from and after the Expiration of the said Term of Twenty one Years, for and during the further Term of Twenty four Years, and from thence to the End of the then next Session of Parliament, for the Intents and Purposes in the said Act, and hereafter mentioned, as if the same Powers and Authority Granted and Given by the said Act, were herein again Repeated, and Re-enacted in the Body of this present Act; Any Thing in the former Act Contained to the Contrary hereof notwithstanding.

And be it Enacted by the Authority aforesaid, That the Persons herein-after Named, and None other, shall be the Trustees for Putting the said Former Act, and this Present Act, in Execution, for and as Concerning that Part of the said Road, which Leads from the Town of Kilcullen to the said Town of Catherlough; That is to say, The Most Reverend the Lord Archbishop of Dublin for the Time being, the Right Honourable Robert Earl of Kildare, the Right Honourable Henry Earl of Thomond, the Right Honourable Joshua Lord Viscount Allen, the Right Honourable Brabazon Lord Viscount Duncannon,

cannon, the Right Reverend the Lord Bishop of Kildare for the Time being, the Right Reverend the Lord Bishop of Leighlin and Ferns for the Time being, the Right Honourable the Lord Chief Baron Marlay, the Right Honourable Richard Tighe Esquire, the Right Honourable Thomas Carter Esquire, the Honourable Richard Allen Esquire, the Honourable William Ponsonby Esquire, Sir Walter Burrowes Dixon Baronet, Sir Richard Butler Baronet, Sir Warren Crosby Baronet, Maurice Keating, Walter Bagnall, Edward Stratford, John Stratford, John Bourke, Richard Vincent, Robert Burton, John Beauchamp, Thomas Trotter, Richard Wolseley, John Rotchfort, Philip Doyne, Cæsar Colclough, James Hamilton, Richard Henry Keating, Thomas Burgh, Thomas Keating, Robert Harman, Benjamin Burton, Joshua Paul Senior, Henry Bunbury, Benjamin Bunbury, Robert Meredith, George Warren, William Warren, Richard Nuttall, Francis Annesley, Henry Dickson Senior, Henry Dickson Junior, Garret Wall, Ross Fox, Thomas Ash, George Graydon, Joseph Fish, Maurice Keating Junior, William Brown, John Sherigley, William Beasly, Arundel Best, William Tighe, Joshua Paul Junior, Robert Doyne, Arthur Weldon, William Cooper, Achilles Columbine, Francis Burton, Richard Grantham, Philip Bernard Junior, Murrough Graydon, James Medlicott, William Reves, Robert Brown, Michael Lewis, Robert Percy, James Carroll, Philip Bernard Senior, John

Hardy, Eſquires, the Reverend William Aſh, the Reverend William Buſhell, the Reverend Thomas Thompſon, Clerks, Abel Strettle, Henry Fullard, Charles Braddock, John Maſon, Thomas Gates, Thomas Higginbottom, William Cooper, Francis Lewis, Alexander Sparrow, John Cheney, Charles Fleetwood, Graham Bradford, Joſhua Jackſon, Cornelius Wyer, John Bennett, William Alcock, Thomas Boakes, Robert Fiſher, Henry Nuttall, Theobald Bourke, Benjamin Fiſh, Henry Rafter, Samuel Alcock, John Medlicott, Thomas Cooper and Francis Gates, Gentlemen; And that the Perſons herein-after Named, and none other, to be the Truſtees for Putting the ſaid Former Act, and this Preſent Act in Execution for, and as Concerning that Part of the ſaid Road, which Leads from the ſaid Town of Catherlough to the City of Kilkenny; That is to ſay, The Moſt Reverend the Lord Archbiſhop of Dublin, the Right Honourable Henry Earl of Thomond, the Right Honourable Richard Lord Viſcount Mountgarret, the Right Honourable Joſhua Lord Viſcount Allen, the Right Honourable Brabazon Lord Viſcount Duncannon, the Right Honourable John Lord Baron Deſart, the Right Reverend the Lord Biſhop of Leighlin and Ferns for the Time being, the Right Reverend the Lord Biſhop of Oſſory for the Time being, the Right Honourable James Tynte Eſquire, the Right Honourable Richard Tighe Eſquire, the Ho-

Honourable William Ponſonby Eſquire, and the Honourable Henry Ponſonby Eſquire, Sir Richard Butler Baronet, Sir William Fownes Baronet, Sir William Vigors Burdet Baronet, Patrick Wemys, William Gore, Robert Burton, John Beauchamp, Thomas Trotter, Richard Wolſeley, James Hamilton, John Rochfort, William Tighe, Philip Doyne, Cæſar Colclough, John Maxwell, John Blunden, Richard Dawſon, Harvey Morris, Edward Deane, Warden Flood, Henry Wemys, Henry Egar, David Cheagneau, Edward Wolfe, William Wall, Luke Gardiner, Nicholas Aylward, Richard St. George, George St. George, Francis North, Francis Morris, Walter Bagnall, Benjamin Burton, Philip Bernard Senior, Franks Bernard, Joſeph Bernard, George Hartpole, William Brown, Joſhua Paul Junior, John Stewart, Edward Hill, Thomas Vigors, Denny Cuffe, William Bunbury, Thomas Bunbury, William Bernard, Michael Barry, Arthur Buſh, Edward Warren, Charles Sandford, Buckley Butler, James Myhill, Robert Myhill, Samuel Mathews, Joſeph Kelly, Amias Buſh, William Warren, John Ball, Chriſtopher Hewetſon, John Flood, Theobald Purcell, Charles Bernard, Eſquires, the Reverend Mr. Nicholas Milley, the Reverend Mr. Charles Harrop, the Reverend Mr. Michael Nelſon, the Reverend Mr. Bartholomew Vigors, Clerks, Richard Butler Mayor of Kilkenny, Anthony Blunt, Arthur Helſham, Thomas Butler, Edward Evans, Algernoon Warren, Henry Evans, Robert Shervington, Aldermen, Thomas Dillon, Thomas Cooper, Henry

Symmons, Benjamin Bunbury, Francis Lodge, William Evans Morris, John Birch, Henry Rudkins, Elan Mossom, Hugh Warren, Edward Hunt and John Eaton, Gentlemen, the Reverend Mr. Richard Beauchamp, William Brereton, Benjamin Beauchamp, Henry Colclough, Stephen Deane, Richard Elliot, Edward Eustace, John Hardy, Esquires, the Reverend Mr. Michael Mills, Thomas Crutchley, Samuel Watson, John Perkins, Thomas Duckett, Edward Cooper, Thomas White, Bartholomew Newton, Thomas Bernard, John Hammon and Lawrence Nolan, Gentlemen; And that the said Trustees herein-before Named shall be severally and respectively Invested with all the Powers and Authorities in the said Former Act, and this Present Act, Given and Enacted, to all Intents and Purposes, with Separate Powers to Erect Turn-pikes, and to Receive Separate and Distinct Tolls, and to Elect, Nominate, Appoint and Remove Separate Receivers, Collectors, Overseers, and other Officers, Pursuant to the Power Granted in and by the said Former Act; And in Case any of the said respective Trustees Named and Appointed as aforesaid, who, by Virtue of this Present Act, shall be Trustees for or Concerning the said Road Leading from Kilcullen to the said Town of Catherlough, shall happen to Die or Refuse to Act, That then it shall and may be Lawful to and for any Five or More of the said Trustees, severally and respectively,

respectively, According to their several and respective Divisions, During the Continuance of the said Former Act, and this Present Act, to Elect and Appoint, in the Room of such Person or Persons so Deceased or Refusing to Act, so many more Fit and Able Persons to be Joined with them respectively in the Execution of the said Former and this Present Act; And all and every Person and Persons so respectively Elected and Appointed, shall and may, and are hereby respectively Impowered to Act, to all Intents and Purposes, as the said Trustees, by the Former or this Present Act, are Impowered to Do, and so, toties quoties, as often as there shall be Occasion respectively.

And be it Enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them respectively, in their and each of their respective Divisions, or such Person or Persons as shall be by any Five or more of them, respectively Authorized and Appointed, shall and may, from and after the First Day of May, One thousand seven hundred and thirty six, for and during the Continuance of the said former and this Present Act, Take and Receive respectively, in Lieu of the Tolls and Duties to be Collected by Virtue of the former Act, the respective Tolls and Duties following (that is to say) For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, Drawn by Six Horses, Geldings or Mares, the

Sum of One Shilling and Six Pence; For every Coach, Berlin, Chariot, Chaise, Calash or Chair, Drawn by Four Horses, Geldings or Mares, the Sum of One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by Two Horses, Geldings or Mares, the Sum of Eight Pence; For every Waggon, Wain, Cart or Carriage with Four Wheels, the Sum of Ten Shillings; For every Wain, Cart or Carriage, with Two Wheels, Drawn by Two Horses, Mares, Geldings, Asses or Mules, the Sum of Four Pence; For every Wain, Cart or Carriage, with Two Wheels, Drawn with Three or more Horses, Mares, Geldings, Asses or Mules, the Sum of Two Shillings and Six Pence; For every Carriage Commonly Called a Chair or Chaise, with one Horse, Mare or Gelding, the Sum of Four Pence; For every Carr or other Carriage, having but One Horse, Mare or Gelding, the Sum of One Penny Half-Penny, Except Carrs or other Carriages Loaden with Turf only, and drawn by one Horse, Gelding, Mare, Ass or Mule, which are hereby excepted from any of the Tolls Charged by this Act; For every Horse, Mare, Gelding, Mule or Ass, with any Person Riding thereon, the Sum of One Penny Half-penny; For every Horse, Mare, Gelding, Ass or Mule, Laden or Unladen, and not Drawing nor having any Person Riding thereon, the Sum of One Penny; For every Drove of

Oxen

Oxen, Colts or Neat Cattle, the Sum of One Shilling and Eight Pence per Score, and so in Proportion for any Greater or Lesser Number; For every Drove of Hoggs, Calves, Sheep, Goats or Lambs, the Sum of Ten Pence per Score, and so in Proportion for any Greater or Lesser Number; Which said Respective Sum and Sums of Money, shall be Demanded and Taken respectively, in the Name of, or as a respective Toll or Tolls, and the Money to be thereby Raised and Collected, is and shall be respectively Vested in the said respective Trustees, that is to say, such Sum and Sums of Money, as shall be Collected and Raised at the Turn-pikes, Erected and to be Erected from Kilcullen to Catherlough aforesaid, shall be Vested in the Trustees for the same, Subject and Liable to the Payment of the said Sum of Two thousand six hundred Pounds, and Interest Due and growing Due from the same, And such further Sum and Sums of Money, as hereafter shall and may be Borrowed for the Use of the said Road, and towards Repairing the same; And such Sum or Sums of Money as shall be Collected and Raised at the Turn-pikes Erected and to be Erected from Catherlough to Kilkenny aforesaid, shall be Vested in the Trustees for the same, Subject and Liable to the Payment of the said Sum of Two thousand six hundred Pounds, and Interest Due and growing Due for the same; And such

further Sum and Sums of Money, and the Interest thereof, as shall hereafter be Raised and Borrowed for the Use of, and for and towards Repairing the same; And the said respective Rolls and every part thereof, shall be Applied and Disposed of, to and for the several respective Uses, Intents and Purposes, and in such Manner as by the said former Act, and herein before is Mentioned and Declared; And the said respective Trustees, or any Five or more of them, are hereby respectively Impowered by themselves, or any Person or Persons by them thereunto respectively Authorized as aforesaid, to Levy the said Tolls by this Act Charged and Appointed to be Collected and Received.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said respective Trustees, or any Eleven or more of them, at any Meeting or Board, and not otherwise, from Time to Time, During the Continuance of the said Former and this Present Act, to Make out Warrants or Orders in Writing, under their respective Hands, Directed to the Treasurer or Receiver of the said Tolls, thereby Requiring him to Pay thereout, to the Person or Persons Named in such Warrant or Order, their Executors, Administrators or Assigns, the Growing Interest of the Sum of Money Mentioned in such Warrant or Order, as the same shall from Time to Time become

become Due, until such Time as the Principal Sum Mentioned in such Warrant or Order shall be paid off, and Discharged at One Intire Payment; Provided, that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any Greater Sum than the Principal-Sum of Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Warrants or Orders shall be Given, his or their Executors or Administrators, may, by Indorsements of such Warrants or Orders, or Receipts, Transfer the Right and Benefit of the Sum Mentioned in such Warrants or Orders; Which Indorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof, Made in a Book or Books to be Kept for that Purpose (which the said Treasurer or Receiver shall, upon Request, without Charge, Fee or Reward, Make Accordingly, and shall, upon Request of any Person or Persons, permit the same to be Viewed at Reasonable Hours, without Fee or Reward) Shall Intitle the Indorsee or Assignee, his or her Executors, Administrators or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned; And the said Warrant or Order may, in like Manner, be Assigned and Transferred by such

Assignee, his or her Executors or Administrators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons who Made such Assignment or Indorsement, to Make Void, Release and Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That the respective Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbred.

And be it further Enacted by the Authority aforesaid, That the several and respective Tolls and Duties hereby made Payable for the Turn-pikes Erected, and to be Erected, from Kilcullen to Catherlough, shall be Applied and Paid to the Discharge of the Interest of One Moiety of the said Sum of Two thousand six hundred Pounds, and of such Other or Further Sum or Sums as shall be hereafter Borrowed for the Use of that Part of the said Road, and towards the Repairing of the same; As also, that the several and respective Tolls and Duties hereby made Payable for the Turn-pikes Erected,

Erected, and to be Erected, from the Town of Catherlough to Kilkenny, shall be Applied and Paid to the Discharge of the Interest of the Other Moiety of the said Sum of Two thousand six hundred Pounds, and of such Sum and Sums of Money as shall be hereafter Borrowed for the Use of that Part of the said Road, and towards Repairing of the same; And that all the Surplus of the said Tolls and Duties hereby Made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and the several Salaries Payable Pursuant to this and the said Former Act, and Repair the said Road, and Keep the same in Good Order and Repair, from Time to Time, shall be Applied respectively as aforesaid, towards the Discharge of the said Principal Sum of Two thousand six hundred Pounds as aforesaid, and towards the Discharge of such Other and Further Sums as shall hereafter be Borrowed as aforesaid, in Manner hereafter Mentioned (Viz.) That when, and as often as such Surplus Received by the said respective Treasurer or Receiver, shall Amount to the Sum of Two Hundred Pounds, Then the said respective Treasurer or Receiver shall Cause the Number of all the Warrants or Orders, which shall be respectively Issued or Delivered out in Pursuance of this Act, and the Sum therein Contained, to be Written on several Tickets

or Pieces of Parchment, and to be Rolled and Sealed up, and Put into a Box or Urn, and well Mixed together, and an Indifferent Perſon ſhall Publickly, between the Hours of Ten and Twelve in the Forenoon of a Day, to be by the ſaid reſpective Treaſurer or Receiver Publickly Advertized in the Dublin-Gazette, or ſome other Publick News-Paper, for that Purpoſe, at leaſt Twenty Days before, at the Tholſel of the City of Dublin, Draw out of ſuch Box or Urn, as many of the ſaid Tickets or Pieces of Parchment, as the Sums therein Contained ſhall Amount to the ſaid Sum of Two Hundred Pounds, and the Perſon or Perſons, the Number of whoſe Warrants or Orders ſhall be ſo Drawn, his or their Executors, Adminiſtrators or Aſſigns, ſhall, within Twenty Days after the ſaid Warrants or Orders ſhall be Drawn, be Paid by the ſaid Treaſurer or Receiver the Principal Sums to him or them reſpectively Due, with the Intereſt for the ſame till Paid, and ſhall, upon Payment thereof, Deliver up his and their ſeveral and reſpective Warrants or Orders to the ſaid reſpective Treaſurer or Receiver, to be Cancelled, which he is hereby Required to Cancel Accordingly; And the Intereſt payable by Virtue of ſuch Warrants or Orders, ſhall Ceaſe from the Expiration of Twenty Days, to be Accounted from the Day of Drawing

Drawing the said Tickets or Pieces of Parchment.

And be it Enacted by the Authority aforesaid, That it shall and may be Lawful for any Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to Widen any part of the Narrow Parts of the said High-ways or Roads hereby Intended to be Repaired, and likewise to Shorten any of the said High-ways, by Setting out, and Carrying the same in a Straight Line, by Opening, Clearing, and Laying in, or Going through any Grounds of any Person or Persons Lying Contiguous to such High-ways or Roads, not being Built upon, and not being a Garden, Orchard, Yard, Planted Walk, or Avenue to a House; And also, to Cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall Judge Necessary, making such reasonable Satisfaction to the Owner or Occupier of such Grounds so Laid into such High-ways or Roads, for the Loss or Damage which he or they shall or may Sustain, in like Manner as by the said Former Act is Directed to be Made, with like Remedy of Appeal for the Party Grieved, as in and by the said Former Act is Directed and Appointed.

[6] U Provided

Provided allways, that no Gate or Turnpike, shall be Erected in, crols, or on the Side of this Road, within two Miles on either Side of the Town of Catherlough; Any thing herein contained to the Contrary notwithstanding.

Provided also, and be it Enacted by the Authority aforesaid, That all such Costs and Charges as have been or shall be Laid out and Expended in or about procuring or passing this present Act of Parliament, shall be first Discharged and paid out of the Money or Tolls to be Collected by Virtue of this present Act.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Eleven or more of them, respectively, by any Agreement or Agreements, Lease or Leases, Demise or Demises, in Writing, to be respectively Executed by the said respective Trustees, or any Eleven or more of them respectively, under their Hands and Seals, to Demise or Lease, Set or Let all or any Part of the said respective Tolls and Turn-pikes, to such Person or Persons as they shall respectively think fit, for such Time and Term not exceeding three Years, and for such Rents or Yearly Income, as they shall respectively think fit, and that all and every such Rent or Yearly Income shall be applied as herein before, and in the beforementioned Act is Directed and Appointed,

in

in Repairing the ſaid reſpective Roads, and in Diſcharge of ſuch Principal Sums of Money and Intereſt as are now Due, and hereafter ſhall reſpectively become Due, by Virtue of the ſaid former and this preſent Act; And alſo, that it ſhall and may be Lawful to and for all, any, and every Perſon or Perſons who ſhall take any Leaſe or Leaſes, Demiſe or Demiſes, of all or any Part of the ſaid reſpective Tolls and Turn-pikes, to Take and Receive to their own proper Uſe and Behoof, the Tolls and Profits which ſhall Ariſe from ſuch reſpective Turn-pikes, as they ſhall reſpectively ſo take, they paying the ſaid reſpective Rents or Yearly Income to the ſaid reſpective Truſtees, according to their ſeveral Agreements; Any thing herein, or in the ſaid former Act contained to the contrary notwithſtanding.

Provided allways, And be it further Enacted by the Authority aforeſaid, That if, at any Time before the Expiration of the Additional Term of Twenty four Years hereby Granted, the High-ways aforeſaid ſhall be Sufficiently Amended and Repaired, and ſhall be ſo reſpectively Adjudged by the Juſtices of the Peace for the Counties of Kildare and Catherlough, at their Quarter-Seſſions to be Holden reſpectively for the ſaid Counties, for that Part thereof from Kilcullen to Catherlough, and by the Juſtices of the Peace for the

County, and County of the City of Kilkenny, and County of Catherlough, at their Quarter-Sessions to be Holden respectively for the said Counties, for that Part thereof from the Town of Catherlough to Kilkenny. That then, from and after such Adjudication Made, and Repayment of all such Monies as have been, or shall be Borrowed upon the Credit of the said former or this Present Act, with the Interest for the same, the Toll hereby respectively Granted and made Payable, and all the Powers and Authorities in the said Former and this Present Act Contained, shall respectively Cease and Determine; Any Thing in the said Former or this Present Act Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That this Present Act shall be Deemed, Adjudged and Taken to be a Publick Act, and shall be Judicially Taken Notice of as such, by all Judges, Justices, and all other Persons whatsoever, without Specially Pleading the same.

FINIS.